

आधुनिक भारत के निर्माता
BUILDERS OF MODERN INDIA

SACHCHIDANANDA
SINHA

आधु Bagishwar Prasad Sinha तारः

ਨਵ-ਭਾਰਤ ਦੇ ਨਿਰਮਾਤਾ

நவபாரதச் சிற்பிகள்

നവഭാരത നിർമ്മാതാക്കൾ

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BAGISHWAR PRASAD SINHA



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Introduction

Sachchidananda Sinha—that was how he was told to spell his name by the great oriental scholar, Professor Max Müller—was one of the outstanding figures in the public life of India. He had “attained eminence both at the bar and in the public life. He distinguished himself equally in the legislatures, in the conferences, and on the platform.”* He had won great reputation as editor of the *Hindustan Review*, as a gentleman of wide culture and learning in the truest sense of the term, and as a great social figure. “Clear-headed and eloquent, Dr. Sinha rarely made an enemy or lost a friend”* His public services extended over a period of two generations.

A member of that noble band of Indians who, since the nineties of the nineteenth century, had been prominently associated with the public life of North India, and of Bihar in particular, Sinha was truly one of the architects of modern Bihar. It was entirely due to the strong agitation organized by him, in collaboration with that patriot-journalist of his time, Mahesh Narain, that Bihar was detached from Bengal and formed into a separate full fledged administrative unit in 1912. The province has made rapid progress in various directions as a result of this reform.

His contribution to the political awakening of India, and to India’s fight for freedom, was also of no mean order. As an ardent social reformer and eminent journalist, as a member of both the Provincial and Imperial Legislative Councils, and as one prominently associated with the Congress for well over 30 years, and also as the Finance Member in the Executive Council of the Governor of Bihar—the first Indian to hold that important portfolio—Sinha made a valuable and substantial contribution to the social and political education of the people, and to the advancement of the country towards independence.

* C.Y. Chintamani.

He was a staunch nationalist, and ever since the year 1896 till the Amritsar session, held in 1919, he was intimately associated with the Congress and attended almost every session that was held during that fairly long stretch of time. In fact, he had attended, as a lad of seventeen, even the fourth session of the Congress, held at Allahabad in 1888. For many years, he was the Secretary of the Bihar Provincial Congress Committee, and later became its President. In fact, it may be said, without any exaggeration, that during the period of over thirty years before the adoption of the non-cooperation resolution, Sinha was the very life and soul of the Congress movement in Bihar. Indeed, he was the pivot of all public activities in the province, whether political, social or educational. As Secretary of the Reception Committee, he had played a predominant role in organizing the 27th session of the Indian National Congress, held at Patna in 1912, under the presidentship of Rao Bahadur R.N. Mudholkar, C.I.E. After this session, he had to shell out from his pocket the substantial sum of about rupees ten thousand to meet the deficit. He dissociated with the Congress only when it decided to take recourse to the method of non-violent non-cooperation for the attainment of *Swarj*. He was a strong believer in constitutional methods. Asked by Sir Hari Singh Gour, a member of the Joint Parliamentary Committee on Indian Constitutional Reforms, whether he belonged to the party of Moderate Constitutionalists (also called the Liberal Party), he preferred to describe himself as a "Constitutional Nationalist", and not as a "Moderate" or "Liberal". This was apparently because he never identified himself with any other political party or organization, except the Congress.

Immediately after the publication of the Montagu-Chelmsford Report in 1918, a section of the Congress, led by Surendranath Banerjea, Tej Bahdur Saprú, C.Y. Chintamani, V.S. Srinivasa Sastri and others, felt disappointed with the Congress attitude and seceded from it. They formed another political party, known as the National Liberal Federation. Surendranth sent a long telegram to Sinha inviting him to join the new party. A similar telegram was received by Hasan Imam also, but both he and Sinha decided to stick to the Congress. In September 1918, Hasan Imam presided over the special session of the Congress at Bombay. It was only

after the adoption of the resolution on non-cooperation at Nagpur, in 1920, that Sinha found it difficult to continue his active association with the Congress. Nonetheless, he claimed himself to be a Congressman all his life. In the words of Dr. Rajendra Prasad, he never “ceased to associate cordially with Congressmen and his house and hospitality had always been available to them”. The result was that almost every Congressman, who had come into prominence as a public man during this period, was known to him, more or less intimately and any difference in regard to the method of work for attaining freedom had never stood in the way of their close friendship. As a true nationalist, he fully recognized that, so long as the objective (namely, complete political and economic freedom for India) remained the same, differences in regard to the manner or method of work did not and should not matter.

He proudly recognised and appreciated the fact that but for the immense sacrifices and sufferings of thousands and thousands of those brave “soldiers” who fought for India’s freedom, the millions of Indians could not have lived to see the day of India’s independence. Only a day before his death, when a prominent Congress leader of Bihar, Dr. Anograh Narain Sinha, called on him and touched his feet, Dr. Sinha’s last words were : “God bless you. I am now going, but I am thankful to Providence for granting me the great and rare privilege of seeing the dream of my life— independence of India—realized, and I have the supreme satisfaction of finding you, Congressmen, installed in a position of power as Ministers in the Government”. These words amply illustrate how intensely he loved the country and yearned for her independence.

A POWERFUL SPEAKER

In the legislature, whether on Treasury Benches or in the Opposition, Sinha played the role of a true Indian nationalist, always endeavouring to advance the cause of the country and seizing every opportunity to voice the feelings and aspirations of the people. His speeches in the Central and Provincial Legislatures were remarkable not only for their vigour, eloquence and felicity

of expression, but also for their literary flavour and mastery in the marshalling of facts and figures. He was generally cool and sober in his expression and rarely used strong words, but his wit was devastating. When provoked or excited, he showed how effective he could be in flooring his opponent by the use of banter and invective without being vulgar or indecent. Of him, the *Leader* of Allahabad once very pertinently observed:

“He possesses considerable power of lucid expression, a voice (capable of modulation) which he knows how to utilise, a strong and keen sense of humour, and a great power of ready retort—of course retort courteous—and repartee, and an instinctive grasp to take advantage of passing events and incidents at the psychological moment, to say the right thing at the right place and time. These endowments and accomplishments, coupled with a deep knowledge of Indian public affairs, make him a most ideal and successful debater”.

The trouncing that the Punjab officials and the officials of the Government of India received at his hands in the Imperial Legislative Council in the course of the debate on the Punjab Indemnity Bill 1919 was widely appreciated. In a closely reasoned speech, he exposed the hopeless deficiency in reasoning and dignity of the speeches of the Law and Home Members of the Government of India. It was acknowledged by every sensible person that, in the face of heavy odds, Pandit Madan Mohan Malaviya and Sachchidananda Sinha rose to the occasion and manfully discharged their duties by the people and the country.

His success as the Finance Member of the Bihar and Orissa Executive Council won for him the praise of many persons competent to judge his work and worth. He belied the contention of the British administrators that no Indian Member or Minister had the capacity to manage the finances of the Government. This was not only acknowledged, but even proved with facts and figures by the Indian members of the Reform Enquiry committee (better known as the Muddiman Committee) of 1924. They unanimously declared that Sinha's work compared very favourably with that of any civilian member in other provinces.

It was often said that British Government in India was 'steel frame' inflexible and rigid which shaped the individual associating with it rather than allowing itself to be shaped by individuals. In the case of Sinha, however, it may well be said that the personal element in him was potent enough to assert itself despite the system. He was able to make himself felt in counsels of the Government. He was not used to spoon-feeding and never allowed himself to be influenced by the 'demi-gods' of the British Indian Civil Service. Indeed, as has rightly been observed by a writer, he was too proud to brook any such interference which he considered as an affront to his intelligence and his sense of responsibility and public duty. He believed in being the potent and effective head of the departments under him rather than being the nominal head, abdicating in favour of civilian administrators. Naturally, the Europeans in the civil services, generally not used to subordinate their whims to an Indian, did not feel very happy with him. But if Sinha had the courage to hold independent views or to overrule his subordinates or to differ from his colleagues he possessed also the capacity and wisdom to convince the Governor of the justice of his actions or the soundness of his views. Thus, the irritation that his independent nature caused would soon turn into admiration. If he was not liked by the European civilians for his independence, they nonetheless admired his readiness to understand and appreciate their viewpoints, and to accommodate them, as far as possible, consistent with his principles. His strong power of perception, his grip over the local problems and awareness of popular opinion, supported by a powerful pen and a resourceful tongue, gave him a distinct advantage over others.

Both as a member of the Executive Council and as a non-official, Sinha did much to project and publicise the Indian nationalist point of view on issues like Dyarchy, White Paper Proposals on Constitutional Reforms, and the Report of the Joint Parliamentary Committee. The main points that he made out were: self-government with safeguards was a meaningless term; wider political rights could not be bestowed by one nation on another as a largesse or 'bakshish'; they could be secured only by contesting every inch of the ground with those in power.

SPIRITED PROTEST AGAINST SIMON COMMISSION

The appointment of the Simon Commission, composed entirely of Britishers, to the deliberate exclusion of Indians from it, called forth from Sinha a spirited protest. In a press statement, he objected to the procedure adopted because “the view underlying” the appointment of the exclusive British Commission was that the question of political progress of India is one to be determined by the British Parliament and the British Parliament alone, and in which, therefore, India cannot expect to have lot or part”. In the circumstances, inspite of all his love for constitutionalism and his lack of faith in ‘direct action’, Sinha advised complete non-cooperation with the Commission. In his opinion that was “the only proper and dignified course open to a self-respecting people”.

LOSS OF FAITH IN THE BRITISH

He was never able to reconcile himself to the Government of India Act of 1935, as appears from the following observation made by him in his convocation address, delivered at the Lucknow University on November 30, 1935.

“The Conservative majority in Parliament may have acted to the best of their judgment in framing the new constitution of India, but if in doing so they have not kept in view the essential condition of a successful constitution, as emphasised by General Smuts—that of securing for the scheme devised the free consent of the governed—then, I fear, it may be but another case of their having sown the wind to reap the whirlwind”. Indeed, his later writings and speeches, particularly of the period following his retirement from the Membership of the Bihar and Orissa Executive Council, betrayed his utter disappointment with the persistently unsympathetic attitude of the British administration, and his complete loss of faith in British justice and fairness in the matter of grant of self-government to India. In fact, he got impatient at the slow rate of India’s political progress which made him observe that “it is not for nothing that extremism has entered through the main door, while moderation is being driven out through the window”. He

wished the British Government realized that India had completely lost faith in them and their most “unjust and unwise” policy. To those who would point to the dangers of the free India, he would say : “We are determined to learn by our mistakes, by our failures and by our sufferings... We may suffer, but then ultimately we will come out of the struggle for freedom purer and stronger as gold heated in the crucible”. Obviously, in these lines, Sinha was giving vent to the feeling of a true Indian nationalist who had gradually come to lose faith in the constitutional means of agitation.

It is further made clear in the following significant passage from an article by him reviewing C.Y. Chintamani’s book, *Indian Politics Since the Mutiny*:—

“Constitutional agitation, and all that it implies and imparts, may be an ideal method for achieving reforms in lands under a native or an indigenous Government—one by one’s people—but is it necessarily so in a foreign-governed country like India? Dr. Chintamani has nothing but disapproval for the unconstitutional methods sponsored by Mahatma Gandhi, as a panacea or shortcut to self-government....May I ask him whether he can furnish a solitary instance of its (self-government) being achieved by methods such as his. But the author does not assert that the method he approves of is necessarily the more practicable. All that I understand him to maintain is that if constitutionalism is wrong, so might equally be unconstitutionalism. But this *tu quoque* argument leads us nowhere—certainly not out of the woods. Would it not be better, in these circumstances, to leave each party to its own resources, to let it follow the line it believes in without condemning its activities.”

LITERATURE AND LEARNING

Though Sinha won many distinctions in the political field, he was first and foremost a man of learning and culture. He was a keen student of English literature, history and politics, including political constitution and constitutional law.

He was a successful lawyer by profession. He practised as a Barrister for a period of about forty years, and enjoyed high reputation for his ability and skill in handling difficult cases and tackling intractable witnesses. But, with all his eminence and ability, he did not amass the fortune that some of his contemporaries did, for the simple reason that literature, journalism and politics were his first love. These claimed more of his time and attention than law, which is said to be a very jealous mistress, but whom he would propitiate only to the extent necessary to enable him to earn enough for a decent and comfortable living.

Early Life

Sachchidananda Sinha was born at Arrah, (headquarters of the district of Shahabad in Bihar) on November 10, 1871. He belonged to a well-to-do and respected Kayastha family of village Murar. It is not exactly known from where Sinha's ancestors originally came. The portion of the Murar village, near Buxar, inhabited by Sinha's ancestors, is still known as 'Lakhanua tola'. From this fact, it may be inferred that, at some remote time, they might have come from Lucknow, or some place in the neighborhood of Lucknow.

The Kayasthas of Murar affected the honorific appellation of 'Bakshi', either before or after their name, from which it is presumed that, during the Mughal period of Indian history, their ancestors might have held some high office in the Military Accounts Department of the Indo-Mughal Army. Sinha himself never used this title either before or after his name.

Sinha's ancestors and the founders of the Dumraon Raj, probably, settled down almost simultaneously in the district some centuries back, perhaps as emigrants from Oudh. Ever since, very close relations had subsisted between the Dumraon Raj family and the Kayasthas of Murar. Many of the Kayasthas of Murar have held, from time to time, important posts in the Raj.

Sinha's grand-father, Bakshi Shiva Prasad Sinha, who died in 1870 at an advanced age of eighty, was the Chief Revenue Officer of the Maharaja of Dumraon. He had two sons—the elder was named Bakshi Ramghulam Sinha, and the younger, Bakshi Ramyad Sinha. The latter was the father of Sachchidananda Sinha.

Bakshi Ramghulam Sinha, who died in 1871 at the age of 51, was a Tehsilder and spent almost his entire official career in the eastern district of what is now known as Uttar Pradesh.

Sachchindanada's father, Bakshi Ramyad Sinha, also started his life in the executive service of the then North-Western Provinces. He continued to serve till some time after the Revolt of 1857. Later, he resigned his job and started practice as a lawyer at Banars. Shortly thereafter, he shifted to Arrah in 1865 on the suggestion of the Maharaja of Dumraon, who made him the permanent lawyer of the Raj. It was here, at Arrah, that Sachchidananda was born on November 10, 1871.

The news of his birth was conveyed by his uncle to Lakkar Shah, a Muslim saint, who was believed to have attained communion with the Divine and who was regarded as a man of great piety and character. The saint felt very happy and said: "He is a lucky child and will never suffer from want. He will live long and will be happy". The saint then pulled out some hair from his moustache and gave it to Sinha's uncle, saying "put them into a locket and let the child wear it as an amulet until he is twenty-one. Accordingly, Sinha wore the locket till after his return from England in January 1893.

About this locket, Sinha used to narrate how on the call-night, as he bent down to sign his name as a full-fledged Barrister in the Register of the "Hon'ble Society of the Middle Temple", in the famous Elizabethan Hall, he found the locket sticking out from underneath his stiff dress-shirt. He somehow managed the situation, but never gave up wearing it throughout the period of his stay abroad. He put it off only after his return home, and that too when his mother had permitted him to do so. He continued to possess the locket throughout his life, and cherished it as the sole companion of his infancy and youth. Whatever might be efficacy of this amulet in contributing to his success in life, Sinha believed that it did obliterate from his mind and heart many prejudices against Muslims, which stood him in good stead in later life while working for Hindu-Muslim unity in India. It may also be noted that Lakkar Shah's prophecy about Sinha being a lucky child, suffering from no want, proved true to the letter. Till the very end of his life, Sinha knew no want and lived a successful, happy and luxurious life. It was aptly said of him that he was an aristocrat among intellectuals, and an intellectual among aristocrats.

“NAM-KARAN”

An interesting story about the naming of the new-born child may be related here. Sinha's father, Bakshi Ramyad Sinha, and Babu Harbans Sahay were very intimate friends. The latter was also a leading member of the Arrah Bar and was the first Bihari to be nominated to the old Bengal Legislative Council in 1882. The two friends had agreed among themselves that if the wife of one of them gave birth to a male child, and the wife of the other to a female child, they would be married in due course. This came as ordained that the wives of both gave birth to sons. This came as a great disappointment to them. They, however, arrived at a solution by choosing for both the babies the same name—Sachchidananda. The name was chosen by Sinha's father. Although a beautiful name from the Hindu Philosophic point of view, it was, as Sinha used to say, “the worst name I could have been given from the point of view of spelling or pronunciation. I myself could never write it correctly until 1890 when, on a visit to Prof. Max Müller, at Oxford, he tactfully conveyed to me (by spelling the name as I do now) on the cover of a letter addressed to me, thereby sparing my feelings by not pointing out directly that I could not spell my name correctly. I tore up old cards at once and have struck heroically to the correct spelling since then—with its double *ch*, as pre prescribed by the savant and orientalist, in place of only one *ch*.”

MORAL AND INTELLECTUAL TRAINING

Being the youngest and the only male child in the family, young Sinha was naturally made much of by his parents whose love and affection were lavishly bestowed upon him. At the same time, the utmost care was taken to help him develop good habits and character. Whatever success Sinha was able to achieve in this direction, it was entirely due to his mother who was a strict disciplinarian and exercised a strong influence upon him. About her, Sinha writes:

“Though she can hardly be said to have been an educated

woman judged by modern standards, yet she was by no means uneducated.... She was taught Hindi by her parents, and she was well-versed in that language, judged by the test that she could fluently read and easily understand that classic work in Hindi poetry, namely, the *Ramayana* of the greatest Hindi poet, Tulsi Das...She used to read the *Ramayana* daily and to explain its lesson to the womenflok, and the children in the house. Thus, I learnt the *Ramayana* at my mother's feet, and the intimate knowledge, which I possess of the contents of the greatest work in Hindi literature, has been a source of inspiration to me throughout my life. Though I learnt from my mother when I was between the ages of five and fifteen, I can still recite correctly from memory long passages from the famous epic”.

About his mother's sense of discipline, Sinha says: “Her sense of discipline had affected for the better my whole life, by making me adopt many good and healthy habits—early rising, regularity in meals, moderation in food and drink, absolute non-smoking and many good traits, including that of adopting method and system in my work for which I had been justly given credit by my friends and which had contributed to such success I had been able to achieve—I owe entirely to my mother. As such, I am naturally a great believer in discipline and good habits, which, next to character, are the greatest assets which one should possess to be able to achieve even a fair measure of success, as without character, discipline and good habits the best brain cannot carry one far in life”.

An interesting example of his mother being a strict disciplinarian was narrated by Sinha: “When I was just about five years of age someone offered me a folded betel-leaf with the usual spices, and the effect of which is to leave a red tint on the tongue-teeth and lips. The chewing of betel is a universal custom among the people of India, and seeing other people do it, I saw no harm in following their example. But my mother was greatly annoyed at seeing me chewing the betel. She called me to her, asked me to put out my tongue. The moment I did so, she caught hold of it and gave it such a sharp twist that the pain brought forth tears to my eyes. That was the first and the last occasion that I indulged

in the practice of chewing betel, and I am sure I have been all my life much the better for my mother's reprimand".

It was again from his mother that he had inherited the great qualities of large-heartedness, generosity and hospitality with the result that, for more than fifty years, eminent persons from almost all parts of the country, and hot unoften foreigners too, used to be his guests, both at Patna and Allahabad. In fact, Sinha took a peculiar delight in entertaining guests on a lavish scale. Every day one would find at least half a dozen friends enjoying his hospitality for he never liked to sit at the dinner table all alone.

Sinha's father was deeply interested in the study of comparative religions and he had a large number of books on the subject in his library. He was also a regular reader of newspapers and periodicals in the Hindi and Urdu languages, published at the time from the capital cities of the provinces of Oudh (the present Uttar Pradesh) and Punjab. Sinha inherited from his father, in full measure, a love of books and devotion to study and, in particular, interest in the study of the political and cultural history of Islam. He had also inherited from his father a love of travelling. In view of the great difficulties of travelling in those days, it was truly remarkable that his father should have visited most of the Hindu centres of pilgrimage—Puri, Rameswaram, Dwarka, Jwalamukhi, etc.

Another quality inherited by him from his parents was a spirit of rationalism and disbelief in the supernatural, and astrological predictions by 'jyotishis', 'rammals', 'fals', of palm-reading by plamists and in superstition, etc. As a "Vedantis", said Sinha, "my father believed in nothing supernatural, and was never tired of impressing upon me that belief in astrology, and its inevitable concomitants, was not only wrong but a great evil. And he was beyond a shadow of doubt absolutely right in this respect."

'MAKTAB — VIDYARAMBH'

Sinha was just five years of age when his 'Maktab' or 'Vidyarambh' ceremony was performed. After the necessary *puja* of Sri Ganesh and goddess Saraswati was performed, the

Maulvi Saheb first caught hold of his right hand and made him write on a wooden slate the first alphabets of the Perso-Arabic script followed by the Hindu Pandit who helped him the first five letters of the Devanagari script. The next day, a teacher of English was called to initiate him into writing the Roman alphabets.

After receiving education at home for a year in English, Urdu and Hindi, under three different tutors young Sinha was admitted for studying up to the 'tenth' class (this class then was called in Entrance or the Matriculation class) of the Arrah Zila School in February 1877. Thus began his school career which extended to 10 year, that being the period prescribed for preparation for the Entrance (Matricualtion) examination which he passed in 1888. Throughout his career at school, he continued to be one of the top boys in his class.

In 1884, on being promoted to the fourth standard, Sinha was asked to make a choice between Sanskrit and Persian as his second language. At first, he took up Sanskrit, but found that he had made a wrong choice. Although he could retain his position in other subjects as one of the top-most boys in his class, he could not make much progress in Sanskrit. Ultimately, he changed to Persian. The Sanskrit teacher's defective method of teaching failed to create among the students any taste for the study of Sanskrit, while his tactless and rough way of dealing with them scared away several of them from his class. Sinha used to narrate an incident which embittered him not only against the *pandit*, but even against the study of Sanskrit itself. Every day the *pandit* would put some question to him and on his failing to give satisfactory answer, he would shout at the top of his voice : "Go to the last row in the class, and stand up on the bench with your face to the wall". This had become a sort of daily routine for him. Nothing could satisfy the *pandit* who was always very bitter and sarcastic in his remarks to Sinha. He would even say: "Why don't you join the Persian class, instead of trying to learn Sanskrit which your forefather never did". This acted, as the proverbial last straw on the camel's back, which made him leave the Sanskrit class and join the Persian class.

DISPUTE WITH THE HEAD MASTER

At the end of the annual examination in 1886, Sinha was promoted to the Entrance class, having topped the list of successful candidates, and he looked forward to pursuing his studies peacefully under a Head Master who was kind and good to him. But fate had willed it otherwise. After the long vacation, a new Head Master came on transfer. Unfortunately, a dispute arose between him and the students of the Entrance class, because of the former having tactlessly made one of the students stand up on the bench. This was regarded by the other students as very humiliating; their impression was that the Entrance class students deserved or even had the right to be treated on a better footing than the student of lower classes. Sinha had a reputation among his fellow students for courage and independence. It was decided that he should, with two other fellow students, meet the Head Master and make a written representation against such humiliating treatment. When they went to the Head Master, he flew into a rage and shouted : "Oh you rascals, so you are going to be the ring-leaders of a conspiracy against me; wait, I shall teach you a lesson when I come to your class today." Accordingly, coming to the class-room he gave a long sermon, threatened to rusticate all the students of the class unless they tendered an unqualified and unconditional apology to him within twenty-four hours. This was too much for the students. They felt that instead of their apologizing, the Head Master should himself apologise to them. Thus began a tug-of-war which lasted for about six months, resulting in the suspension of teaching in the Entrance class.

When Sinha told his father about this matter, the latter was at first reluctant to intervene. Ultimately, he was prevailed upon to meet the Head Master with an application for a transfer certificate to enable his son to join some other school. But the Head Master spoke rudely to him, and refused to pass any order on the application. Thereupon, Sinha's father told him that he would report the matter to the Inspector of Schools. This infuriated the Head Master ever more and he challenged him to do his worst.

As a result of this attitude of the Head Master towards Sinha's father, the parents and guardians of almost all other students applied for transfer certificates for their sons and wards. The Head Master now found himself in a fix; probably, he now felt that he had gone too far. He met the Inspector of Schools with his own version of the affair. Shortly thereafter, the Inspector, J.V.S. Pope visited the school and, against the wishes of the Head Master, he met the guardians of the students who had assembled in the Zila School to make a joint representation to him. Pope met the students also and tried to persuade them to continue their studies in the school. The student, however, remained adamant and refused to go back to their class till the Head Master had apologized to them. Thereupon, the Head Master passed a general order refusing to grant a transfer certificate to any student. On the recommendation of the Inspector of Schools, the Directors of Public Instructions, Bengal (Sri Alfred Croft), passed the order of rustication against all the students, about 100 in number.

In spite of the above order, almost all the students joined other schools. Young Sinha came to Patna and joined the T.K. Ghosh Academy in October 1887. However, the students, who had joined other schools without transfer certificates, were not allowed to appear at the Entrance examination without the special permission of the Inspector of Schools. Representations were, therefore, made by the heads of the institutions which the boys had joined. Ultimately, the Director of Public Instruction, on reconsideration of the matter, cancelled his previous order of rustication and allowed the students to appear at the Entrance examination. The order was passed only a few weeks before the examination, yet some of the student did appear and pass the examination. Sinha was also one of them, and he managed to pass in second division.

A NEW AMBITION

In July 1888, Sinha took his admission in the first year class of the Patan College. But his heart was not in his studies. He had, by this time, come to cherish the ambition of going to England for being called to the Bar. While at school in Arrah, he had formed

an intimate and life-long friendship with two Mohammadan youths, Ali Imam and his younger brother, Hasan Imam. Both these brothers later distinguished themselves as lawyers, administrators, judges and public men. It was Imam's departure for England in the autumn of 1887 for being called to the Bar that first put the idea in the mind of young Sinha that he too should go to England to qualify for practice as a barrister.

Enormous, almost insurmountable, were the difficulties in his way. Till then, no Bihari Hindu had dared to cross the seas, so strong were the religious and social prejudices against such an idea. Besides, being the only male child of his doting parents, it was unthinkable that the latter would ever willingly agree to the proposal of their son. But Sinha's heart was set upon it, and he was determined to fulfil his ambition at all costs.

Steadfast in aim tenacious of purpose, he set about making plans and devising ways to raise enough funds for the purpose. He got some encouragement and sympathy from Pandit Madan Mohan Malaviya to whom he had communicated his desire when the Pandit had come to Arrah in connection with the work of the Congress. It was on his suggestion that Sinha started a correspondence campaign, so to say, with a number of leading public men throughout the country. He was, however, greatly disappointed that many of them did not care even to acknowledge his letters. The few who did, could offer only lip sympathy and no promise of nay financial help. Fortunately, among his own relations and his father's friends, he discovered a few persons who held progressive views—persons like the late Shyamalanand, Vakil of Arrah, Kandhij Sahay, and Raja Raj Rajeswari Prasad Sinha of Surajpura. They came forward to help him with necessary funds. Sinha naturally felt jubilant and immediately started correspondence with Messrs Thomas Cook & Sons for booking a passage to England. A certain date had also been fixed when Sinha was to go to Arrah from Patan to take the money and then stealthily leave for Bombay to board the ship. Till this time, he had kept the whole thing a closely guarded secret from his parents. But fate had willed it otherwise. A day or two before the plan was expected to mature, it leaked out and his father

came to know all about it. Sinha's father rushed to Patna and brought Sinha to Arrah. He told him that his mother had become so disconsolate on hearing of his plan to go abroad that it was apprehended she might pass away any moment. The father further told Sinha that it was not necessary for him to prosecute his studies any further. To young Sinha this was a bolt from the blue. He had, however, no option but to quietly obey his father. He remained at Arrah and dropped all his plans for going abroad for the time being. He felt utterly miserable about it. While at Arrah, he became an object of pity among his father's friends and relations, and also of ridicule among his own friends. The very idea that a Hindu young man should ever think of going to England was something horrible to the minds of many people at that time.

FRUSTRATION AND STRUGGLE

After he had spent two weeks at Arrah, some of his father's friends prevailed upon him to allow Sachchidananda to go and join some college at Calcutta. Accordingly, Sinha was sent to Calcutta and placed under the guardianship of a near relation of his, who was then practising as a Vakil in the Calcutta High Court. Sinha took his admission in the second year class of the City College, but he had not yet reconciled himself to the idea of prosecuting his studies in India. He seldom attended the college classes, and spent most of his time in tramping about the city—particularly the jetties from where he would watch the steamers leave for foreign countries. All the time, he was planning how to raise enough funds at least to pay for his passage. He thought of selling everything that he possessed—gold rings, gold watch and chain, Kashmiri shawls and a few other things of the kind. But it was no easy thing to do. He did not know their proper value, and in his over-anxiety to raise funds he was found willing to part with them even at a price very much lower than their fair market value. This naturally created suspicion in the minds of buyers who thought that they might be stolen property. They, therefore, insisted on his accompanying them to the nearest police station to have some kind of entry made in the police register.

Just at the time, when Shina was struggling with his misfortune, he received a letter from an old friend of his father offering to send him Rs.200 towards the payment of his passage money. At the same time, he enjoined upon him absolute secrecy for fear of getting into trouble with his father. In due course, Sinha received the money which formed the nucleus of his funds. The amount that he received from his father's friend and the amount that he was able to raise by the sale of his valuables, however, did not prove enough to meet the cost of a through ticket to London. So, on the advice of the agent of Messrs Thomes Cook & Sons, he took a second class steamer ticket up to Aden only, keeping some money in hand for emergencies.

With a mere Rs. 50 in his pocket, he boarded the steamer S.S.Nepal of the P. and O. Steam Navigation Co. and sailed on the morning of December 26, 1889. The die was cast.

Sinha's nephew, Raghunanadan Prasad, a Vakil of the Calcutta High Court with whom he was staying in Calcutta, was at this time spending his Christmas vacation at his village in Bihar. The other Bihari lawyers practising in the Calcutta High Court, had also left Calcutta, during the vacation. It was, therefore, plain sailing for Sinha, both literally and metaphorically. The only members of the Bihari community there, at that time, were those who had to appear at the university examinations. Almost all of them were sympathetic towards his attempt to go to London for study. They had therefore, all come to bid him good-bye and wish him bon voyage. One of them was Krishna Sahay, who, many years later, became a member of the Bihar and Orissa Governor's Executive Council. As chance would have it, he was succeeded by Sinha in that office.

Four days before he sailed, i.e., on the evening of the December 25, 1889, Sinha had written to his father and two or three other persons, who were his father's friends, requesting them to remit more funds to enable him to proceed further from Aden. He stayed for a week or ten days at Aden and, on receipt of money from his father, continued his journey to London. He landed there on February 5, 1890.

IN LONDON

During his stay in London, Sinha fully utilised his time to train his mind and improve his knowledge by study, observation and reflection. He did not confine himself merely to the preparation for qualifying for the Bar, but applied himself also to the study of general subject, including journalism.

He was a prominent member of the Northbrook India Club and acted as its librarian, at the instance of Lord Northbrook himself, all through the years of his stay in London as a law student. The Northbrook Club, it may be noted, was founded by Viceroy and Governor-General of India in 1876, and continued in that office till 1880. Living in London in retirement, Lord Northbrook had developed one great hobby, that of bringing together Indians and Anglo-Indians staying in the city. With that object in view, he had started a very fine club, known after his name as the Northbrook India Office. This Club had a very fine collection of books, particularly on India. Interested, as Sinha was, in acquiring knowledge, he welcomed the opportunity offered by Lord Northbrook to take up the librarianship of that Club. This was only a few months after his arrival in London. The Club flourished so long as the founder was alive. After his death, it languished and ceased to exist.

In London, Sinha was an active member of the British Committee of the Indian National Congress also, then under the control management of Digby, an honoured name in the history of India's political advancement. In 1890, an India Bill was introduced in parliament by Charles Bradlaugh, then a prominent and advanced radical member of the House of Commons. In support of this Bill, the congress had sent to Britain a deputation consisting of Yule, W.C. Bonnerjee (the first President of the Congress), Surendranath Banerjee Eardley Norton, R.N. Mudholkar and Moropant Joshi. Sinha went round with this deputation to almost all the places they visited, and attended the various functions held in their honour. As no Muslim was included in the deputation, Sinha managed to induce Ali Imam, who had by that time practically completed his studies for being called to the Bar, to go about with the deputation. This proved very useful. In the words of Sinha himself, "he spoke

impressively as a staunch nationalist, and literally brought down the house when he wound up with a flourish of his hands toward the delegates", and said' "Behind these men stands the hope of a great and rising nation"..

Another notable contribution of Sinha to the movement for India's freedom in Britain was in the election campaign for Dadabhai Naroji in 1892. He did a lot of work for him in the Central Finisbury constituency form which Dadabhai was ultimately elected to the British Parliament. To celebrate this victory, Sinha, with the help of Rai Bahadur Tej Narayan Singh of Bhagalpur and other leading Indians in England, had organised a grand banquet. It was attended by about 500 persons, representing all shades of public opinion.

CONSCIENCE AND REASON

Sinha returned home after being called to the Bar in February, 1893. A few days before leaving for India, he had received a letter from his cousin, who had materially helped him in fulfilling his dream of studying in England. He had asked him to go straight to Allahabad where he would have to perform the purificatory ceremony, called *Praysachitta*, for the supposed sin of having crossed the sea and gone to England. This was too much for young Sinha, whose mind was cast in an altogether different mould. The reply that he gave to his cousin's letter, refusing to do anything of the kind, speaks a lot about his courage of conviction, a wide and logical outlook and strength of character. Sinha wrote:

"If I really belived that visiting England, or for the matter of that any country, was committing sin, I would never have attempted to go out of India. It is just because I hold that travelling abroad for an Indian is not only not committing a sin, but, considering the times we live in, is more or less an act of virtue which is conductive to our progress and prosperity that I have ventured to come here. If I have learnt anything here, in this world is hypocrisy, which consists, in doing things one detests at heart, just to win popular applause and gain one's end at any cost...

I am prepared for the worst; I am quite prepared to prove

a failure at the Bar, and to remain social *pariah* all my life, but I shall not deviate a jot from the path of rectitude and honesty, or prove unworthy of the conviction, I shall not do anything I do not believe in and I am willing to undergo all the trials with a firm heart.”

Sinha's motto in life could well be summed up in the following verse:

I'll stand alone,
 Though men may laugh and mock my loneliness;
 I'll think my thought,
 Though fate may flood my ways with bitterness;
 I'll fight my fight,
 Though enemies be strong and struggle great;
 I'll face the world,
 And laugh to scorn the scoffers of my state;
 And I'll conquer,
 With my head still gory from the strife;
 I'll find my rest
 And thank my God for strength throughout my life.

BACK HOME

On the way back from London, he broke journey at Allahabad where he was the recipient of an address at a public meeting arranged by the young men of the city. The most prominent speaker at the meeting was Pandit Madan Mohan Malaviya. Before leaving for England, Sinha had already made acquaintance with Pandit Malaviya when the latter had gone on a visit to Bihar in 1889 in connection with the Congress work.

From Allahabad, Sinha came to his native town of Arrah, where also he received a great welcome. Several public meetings were held at which addresses were presented to him.

F.H. Skrine, who was the District Officer of Shahabad at the time, had thrown himself heart and soul into the popular movement, and had written a series of letters to the Indian and Anglo-Indian papers, appealing to the Bihari Hindus to rally round the banner of reform and progress held up by this enterprising son of Bihar.

To express the sympathy of the local European community, he had thrown a grand evening party which was largely attended by both Indian and Europeans.

After a few weeks' stay at home, and a visit to his ancestral village (Murar), Sinha got himself enrolled as an advocate of the Calcutta High Court and settled down in 1893 to practise at Patna (which was then better known as Bankipore). In a short time, he acquired reputation as a clever and capable junior. There were several leading lawyers in those days at the Patna Bar, and gradually they all came to appreciate the work of this new member of the profession.

SOCIAL AND POLITICAL CONDITIONS

In order to appraise and appreciate correctly the life-story of Sinha, it is necessary to recall here the social and political conditions in which he was born and brought up, and lived and worked. In his "Reminiscences" (which he could not complete and therefore remains unpublished) Sinha wrote:

"Orthodoxy of the extreme type reigned supreme among the Hindus in those days. They were subject to so many taboos in social customs and manners. Caste restriction and untouchability prevailed in a most rigid form. Crossing the seas for going abroad was regarded as committing a great sin; and so none could dare even conceive such an idea.

With all these, however, the social relation between the Hindus and Mulims in Bihar used to be very cordial not only in villages but even in towns and cities. In the eighties and the nineties of the last century, the Hindus and the Muslim lived together as members of one community, displaying great tolerance for each other's religious sentiments, rights and ceremonies, with the result that they lived on most peaceful terms, sharing the joys and sorrows of each other."

A few words about the relations between the Indians and the Britishers in India will not be out of place here. They were, in the

words of Sinha, “neither good nor bad”, for the simple reason that no social relations existed between the two. The Britishers were regarded both by themselves and by the Indians as belonging to a higher order of humanity than even the best among Indians. They had their own clubs and churches to which they repaired for their social and religious intercourse; they regarded Indians as subjects of every British man and woman. No member of the Provincial Civil Service, having Hindu or Muslim name, was ever officially allowed to add ‘Mister’ before his name; in official records, he was described only as ‘Babu so-and-so’. In brief, “they lived in India as apart from each other as if they inhabited two different globes. Sometimes, but very rarely, the Britishers were invited to a banquet on the occasion of a marriage or some festival in a rich man’s house, for which catering arrangements used to be in the hands of some reputed European firm of Calcutta. But even at such a banquet, no Indian would be invited by the host”.

In this connection, Sinha, used to mention an interesting incident. “Early in the eighties, a magnificent banquet was held at Dumraon to celebrate the installation of Sir Radha Prasad Singh on the “gaddi” of the Dumraon Raj, at which were invited, besides the Lieutenant Governor, Sir Ashley Eden, along with his entourage, and the British civilian officers stationed at Arrah, the headquarters of the district of Shahabad, almost all the members of the British community in Bihar. But no invitation for the banquet was extended to B.N.De, a member of the Indian Civil Service, who was then posted as Sub-Divisional Officer at Sasaram (in whose jurisdiction was situated a large part of the territory of Dumraon Estate), though he was present at Dumraon for the installation ceremony at the invitation of the Maharaja. De, however, was not the man to take it lying low. He sought an interview with the Lieutenant Governor, and was reported to have told him point-blank that perhaps the only ground on which he had been slighted by exclusion from the banquet was the fact that both in the European classics and in English composition he had been able to obtain, at the open competition for the Civil Service in London, ever so much higher marks than any of his British confreres, who had appeared with him at that examination. Sir Ashley Eden felt

convinced that the action of the District Magistrate was wholly indefensible. He spoke to the Commissioner of Patna Division about it, and sent word through him to the District Magistrate that unless De was allowed to occupy his proper place at the banquet, he would not be able to accept the position of the chief guest on that occasion. This was something for which the British officialdom, assembled at Dumraon, was by no means prepared. The Lieutenant Governor, having taken up the stern attitude that he did, they had to give in and eat the humble pie. De's ramparts of the social citadel sought to be set up by the British hierarchy in India to exclude even a pre-eminently deserving Indian like De, from a social function like the one at Dumraon, where the host himself was an Indian and the officials were merely organizers on his behalf."

As regards the political condition, it may be said that "the British rule had come to be regarded at the time as absolutely immutable, as if ordained by Providence like one of the laws of nature. Ideas of Indian independence or Dominion Status, with the right of secession from the British Empire, were wholly beyond conception. In fact, any political movement worth its name had not appeared on the Indian political horizon until after the first session of the Indian National Congress, held in Bombay in the Christmas week of the 1885.

"Ideas about social reform and progress were not at all seriously entertained at the time, except by some individuals here and there. One redeeming feature of life, however, was that there was peace, amity and goodwill all around between the people and the government on the one hand, and the various sections and classes of people on the other, though perhaps it was the peace of the grave.

"The only educated section of the people in Bihar then consisted of but two small communities—those who belonged to the higher strata among the Muslims, and the Kayasthas among the Hindus. It is these two communities that offered the largest number of recruits both for government service and the legal profession. But even among them, there were few who knew the English language; so the vast bulk of the members of the public services were Bengalis. Not only the highest judicial and executive offices,

but many of the ministerial posts also were filled by them. The Biharis in those days had no higher aspiration in any sphere of activity, and were content to play the second or the third fiddle in their own province. They were content to take the then joint administration of the two provinces (of advanced Bengal and backward Bihar) as an act of God which they could no more think of attempting to change than of stopping the course of planetary bodies".*

A SOCIAL REBEL

Such was the time and condition of things in which young Sinha was born and brought up. But he decided, very early in life, to play the role of a social rebel, when he took courage to cross the seas in 1889 as a lad of eighteen, and to go to England for studies. He was the first Bihari Hindu to do so, and ever since then, all his life, he remained a rebel against all such social customs and conventions as stood in the way of progress and advancement.

The next step that he took as a keen and staunch social reformer was to carry out his cherished idea of inter-marriage, by himself marrying Radhika, the only daughter of Seva Ram, Bar-at-Law of Lahore, and grand-daughter of Rai Bahadur Kanhaiya Lal, a distinguished engineer of his time, who belonged to a different sub-sect of the Kayastha community. Radhika Sinha was a cultured woman, wealthy and generous-hearted, who made a magnificent donation of Rs. 50,000 to the Kayastha Pathshala of Allahabad, and another donation of an equal sum to the Lahore University. In addition, she gave over Rs. 1,50,000 for constructing the building of the Radhika Sinha Institute and Sachchidananda Sinha Library at Patna.

Foreign travel and inter-marriage have now become too common amongst all classes of Hindus that it is hard to believe that they had ever been regarded as amounting to committing a sin to do so. But, as Sinha himself pointed out in the course of his presidential address, delivered at the 35th session of the Kayastha

*Sinha's reminiscences serialised in the '*Hindustan Review*' in 1946-47 under the heading "Recollections and Reminiscence of a Long Life".

Conference at Delhi in 1929, that at the Banaras session of the aforesaid Conference, and again at its Lucknow session, “a great deal of the time of the Conference, mostly in the lobby, was devoted hurting my feelings, on the occasions, they found in him a tough person to deal with. In spite of the stiff opposition to his taking part in the deliberations of the Conference, he held his ground successfully and did exercise his right as a member. At last, in course of time, he had the great satisfaction of seeing that all the indignities and criticisms that he had to suffer earlier at the hands of the old conservatives had not gone in vain. The position taken up by him was fully vindicated when he was called upon to preside over the deliberations of the Kayastha Conference at Delhi in March 1929. The example set by him had its tremendous impact not only on the young men of the Kayastha community but also on those belonging to other Hindu communities. Visiting foreign countries across the seas became such a common affair later that many are apt to think now as if it had always been like that. But those who are old enough to recollect the great agitation that used to greet Hindus returning from abroad against their acceptance in their caste or community, will remember what a brave fight a pioneer reformer like Sinha had to put up.

Sinha's zeal for women's education found expression in the emphasis that he laid on it in his presidential address at the Kayastha Conference at Delhi. He said:

“It is of tremendous importance that young men, in particular, should have a chance of improving by means of proper exercise not only their intellect but, even much more so, their emotions also on the right lines. For obvious reasons, it is not possible for our schools and colleges to offer our youths suitable opportunity for what can be properly developed and exercised only in the more congenial surroundings of one's home, and as the home naturally implied the influence and guidance of women, it is clear that there could be no suitable surroundings for the growth of their emotion unless the women were qualified by education to play their part, as they should, in moulding the lives and destinies of our younger generation.”

The physical and mental emancipation of women, he emphasised, was the greatest need of the hour. Fortunately, Sinha lived to see the great advance made in this direction since the days he uttered the above words.

Another reform that Sinha preached in his early days was the fusion of the different section of the Kayastha community into one larger unit. He felt that the only way to destroy, root and branch, the disintegrating forces that had operated for ages past was to promote inter-marriage among the various sections and sub-sections of the community on an extensive scale. Here too, Sinha had the satisfaction of seeing, in his own life-time, this reform gradually taking practical shape.

NO SPASMODIC OR HAPHAZARD SOCIAL REFORM

Sinha did not believe that any effort at social reform in any community should be spasmodic or haphazard and wanted it to be “a long, continuous process of adjustment and constant adaptability to environment”. He observed, in the course of his presidential address at the Kayastha Conference at Delhi:

“Nothing is stable or abiding under the sun, and this world is not so much in a state of being, as of becoming; we can thus as little arrest the process of evolution in the moral and material world as we can stay the sweep of the tides or the course of the stars. That being so, our duty is quite clear—to take advantage of this great law of life and to do so shape our ideas and conduct that, by acting in consonance with it, we may subserve the great end of nature, namely, progress from lower to higher forms and state.... People should shed such defects in their character made any work of reform difficult, slow and not unoften, abortive. I mean defects like extreme conservatism, blind confidence in the existing state of things, disbelief in the efficacy of change, lack of enterprise and correct perspective, reluctance to face stern realities, resorting to metaphysical casuistries in the effort to work round difficulties, legal subtleties and logical sophistries, tendency

to shirk responsibilities, our ingrained spirit of disunity, habits of sheer indolence and procastination, and loose and careless talk, habits of making reckless promises and assertions, and distrust of each other, the absence of any feeling of genuine cooperation, etc. etc.

If therefore we desire to make a steady progress, and to rise in the scale of peoples, then we should develop those phases of character which will enable us to discharge properly our duties and responsibilities, both as citizens of the State and as members of the community.”

Another important point that Sinha stressed in his presidential address was the undesirability of invoking more and more the assistance of the State in bringing about social reform. But he was not opposed to State action for advancing social reform and progress. As a matter of fact, in 1921, he strongly supported the motion of V.J. Patel in the Imperial Legislative Council to refer his (Patel's) Hindu Marriage Validity Bill to a select Committee. It was a permissive measure which aimed at legalising marriages between higher and lower social groups inside the Hindu community, which was strongly opposed by the orthodox Hindu members of the Council. Sinha strongly deprecated the view propounded by some members that “a man who lived in a certain society or under certain administration, must subscribe to all its rules regulations without making any effort to have them improved or amended, or he should go out of it”. He knew, and made no secret of it, that the people whom he represented in the Council were against that measure, yet he had the courage to support it. He believed “it was the bounden duty of every human being to improve his condition and surroundings, whether political, social, or moral”.

His opposition was against the tendency to rush to the legislature with all kinds of Bills for eradicating social evils. In his view, such enforced reform from outside could never lead to beneficial results. According to him, any social reform, in order to be lasting and successful, must be spontaneous and based upon the people's conviction, and not forced from outside on pain of penalties. He therefore, pleaded that if a social reform movement was to succeed, people should be trained to develop the qualities

of individual responsibility and courage of conviction—qualities which Sinha personally demonstrated in ample measure.

STAY AT ALLAHABAD

In 1896, his health broke down after an attack of virulent malaria. He was, therefore, advised by his doctor to move to some healthier place. Accordingly, he chose Allahabad and got himself enrolled as an advocate of the Allahabad High Court in November 1896. He practised there till 1906, in which year he returned to Patna and settled down to practise in the District Court. But he never severed his link with Allahabad. During the year that he stayed at Allahabad, he had built a house of his own (7 Elgin Road) where his wife remained practically for the whole of her life. Allahabad thus became a sort of permanent home for him, which he visited very often although practising at Patna. The office of his famous journal *Hindustan Review*, was also located there for many years. The work of this journal frequently took him to Allahabad.

In July 1900, he was appointed Secretary of the Kayastha Pathshala by its President, Munshi Govind Prasad, who was at that time a leading member of the Allahabad Bar. By this time, Sinha had come to know intimately almost all the leading public men of Uttar Pradesh (then known as the United Provinces of Agra and Oudh). Among them were Pandit Motilal Nehru, Sir Tej Bahadur Sapru and Pandit Madan Mohan Malaviya, beside many others. His acquaintance with Pandit Motilal Nehru, in course of time, developed into a life-long and intimate friendship.

Soon after he had settled down at Allahabad, (in November 1896) Sinha again got one of those attacks of malarial fever which had compelled him to leave Patna. After the fever had subsided, he naturally felt dull and depressed for several days. The doctor who was attending on him prescribed several tonics to tone up his system, but these failed to act satisfactorily. One day, growing desperate, the doctor told him that he would prescribe a tonic which was the best in his reportory, and, if that failed, he was afraid, he could do nothing further for him, although he was sure

that it would never fail. "Why did you not prescribe this tonic before?", asked Sinha. The doctor said that it was for the simple reason that 'he' was not available there. He told Sinha that he would come a day or two later. "What do you mean, doctor?" asked Sinha. "Is the tonic a medicine or a human being?" "Of course, a human being", replied the doctor, or I would not have used the word 'he' for it". "Who on earth is he?" , asked Sinha again. The doctor said, "His name is Pandit Motilal Nehru. So, one day, the doctor took him to Pandit Motilal Nehru who received Sinha very cordially, and soon made him feel quite at home. In fact, at the end of half an hour, Sinha felt as if he had known him (Panditji) all his life. By then, it was dinner time and Sinha got up to say good night. But Panditji insisted that they should dine together. Not only that, he ordered his servant to get from Sinha's house (which was at that time very close to that occupied by Panditji) the food that had been prepared for his dinner. And so they had that night their dinner together, and thus was laid the foundation of a friendship which lasted till Pandit Motilal's death in 1931. During this long period, in spite of some political differences, the friendship became closer.

Sinha had known Sir Tej Bahadur Sapru ever since the former joined the Allahabad High Court. The intimate friendship that developed between the two lasted for over three decades, unclouded by even a speak of misunderstanding.

Sinha had first come to know Pandit Madam Mohan Malaviya when he was planning to go to London for study. Pandit Malaviya was touring Bihar in 1889 on Congress propaganda work when Sinha had the proud privilege of playing the host to him, both at Arrah and at Patna. Later, during his stay at Allahabad, the two had come to know each other intimately. For a number of years, they worked together in the old Imperial Legislative Council and had developed great regard and respect for each other.

In brief, during the years Sinha stayed at Allahabad, he had become a very popular and prominent figure, both in the social and political life of the city. In fact, it may well be said that, during these years, he gave his best to the United Provinces, taking part in all public affairs. In appreciation, he was invited to preside over

the Kanpur session of the U.P. Provincial Conference in 1913. It was mainly through his efforts that the United Provinces of Agra and Oudh had been able to secure the establishment of an Executive Council for the Lieutenant Governor, in spite of the very strong opposition of the then Lieutenant Governor, Sir John Hewett.

Sinha had gained a good footing at the Allahabad Bar, but he often used to visit Patna and other places in Bihar also on professional work. Thus by 1905, he had secured for himself an honoured place in the profession in Bihar, and his old friends there, especially Ali Imam (later Sir) and Hasan Imam pressed him hard to shift his practice to Patna which he did in 1906. But he continued to maintain his connection with Allahabad all through his life.

Creator of Modern Bihar

Though Sinha settled down to practise as a barrister at Patna, he would not be himself if he merely confined himself to his profession. Essentially, by nature and instinct, he was cut out for politics, for journalism and for literature. These were the obsessions of this devout patriot. He was, therefore, itching to enter public life and to dedicate himself to the service of his people and the country.

At that time, there was no such province as Bihar. Very few, if at all, outside this region knew if there was any part of India known as Bihar. This was forced upon the attention of Sinha during his stay in London as a student. It was, to quote his own words, "a painful and humiliating discovery that not only was Bihar a *terra incognita* to the average Britisher, and to the retired Anglo-Indians, but even to the majority of Indians residing in London. Some of my Indian friends in Britain even challenged me to a literary combat and dared me to point out any such province as Bihar in a recognised text-book of geography". Further, when Sinha was returning from England, he met on board the steamer an Indian who was a graduate of the Punjab University, and also a barrister. In the course of their conversation, he asked Sinha what part of the country he came from, and on being told that he belonged to Bihar, the Punjab barrister expressed surprise, and confessed point-blank that he had never heard of any such province. Not that this gentleman was particularly ignorant, but he merely represented any average educated Indian of that time to whom Bihar was a *terra incognita*. Then again, Sinha's sense of shame and humiliation was further intensified on the realisation of the fact that he and his people of Bihar had no individuality and no province which they could call their own, when he noticed at the very first railway station in Bihar a tall, robust and stalwart

Bihari constable wearing the badge with the inscription 'Bengal Police'. He, therefore, resolved to do all that lay in his power to secure for Bihar a distinct and honourable place as an administrative unit, with an individuality of its own, on the same footing as that of the more important provinces of the country.

Now, what was the condition of Bihar when it formed only an appendage of Bengal? The people felt very bitterly that in almost every sphere—education, medical relief or Government services—Bihari was not only blatantly discriminated against, but even ignored by the Government. The Biharis, so to say, were suppressed and depressed and denied proper facilities or opportunities for progress. They, therefore, desired to separate themselves from Bengal and to be constituted into an administrative unit of their own. But there was none to agitate effectively for it and show the way to gain that end. "Speaking broadly", Sinha once remarked. "Public life and public activities in Patna in 1893 were at a very low ebb indeed. The atmosphere was damp and chilly....and, outside Patna, it was a case of lower deep in the lowest deep".

Fortunately, they found in Sachchidananda Sinha a messiah, so to say, to lead them and to organise a powerful campaign for this purpose. This was indeed a formidable task, as powerful vested interests were ranged against such a proposal. Both the press and the public men of Bengal were dead set against the very idea of separation of Bihar from Bengal. For example *The Bengalee*, edited by that distinguished orator and veteran leader, Surendranath Banerjee, in one of its issues acknowledged that the state of affairs in Bihar was far from satisfactory and the Bihar was not getting its due. Yet, the same paper strongly opposed the idea of separation and, in support of its contention trotted out the hackneyed argument that "close association with an advanced province not only tends to keep up to standard of administration in the less favourable district, but levels up their inhabitants". The actual experience of the people of Bihar, however, was entirely different. In their everyday life, they felt that their continuance as an appendage of Bengal had actually resulted in their levelling down, instead of levelling up.

Undaunted, Barrister Sinha threw himself into the fray, deter-

mined to realise the dream of his life by securing for Bihar a separate existence as distinct administrative unit. He, however, felt that without a journal, owned or even edited by a Bihari, nothing could be done to organise and push on the campaign for separation. The only journal that existed in Bihar at that time (in 1893) was *The Bihar Herald*, of which the presiding genius was Guru Prasad Sen, an acknowledged leader of the Patna Bar and a prominent figure in the public life of Bihar for about a quarter of a century.

In the introduction to his book, *Some Eminent Bihari Contemporaries*, Sinha wrote : "To the talents and energies of Mr. Sen, Bihar owes not a little in the development of her public life.... At the same time, it must be added, in the interest of truth, that with the best of motives and intentions, he was most vehemently opposed to the consideration of any scheme contemplating the establishment of Bihar as separate provincial administration". Under the guidance and influence of Sen, not only the leading members of the Bengali community in Bihar, but even in Bengal, and the Calcutta press were strongly opposed to the idea, and the only word that they could bring themselves to utter in connection with proposal was "preposterous". However, in spite of such an organised and vigilant opposition, young Sinha took up the cudgels on behalf of the Biharis and ultimately, succeeded in his mission.

The first task to which he addressed himself was to organize the publication of a journal through which he could propagate his idea and push on the movement. Here too, he had to fight against heavy odds. In the beginning, he did not get much support even from most of the prominent Biharis who, though convinced of the desirability, or even the necessity of separation, felt, perhaps honestly, that it was beyond the range of practical politics. The only man who, according to Sinha, warmly espoused the cause and extended to him in right earnest the hand of cooperation and help was Mahesh Narayana. Nand Kishore Lal of Gaya and Rai Bahadur Krishna Sahay also lent their support to him. About the latter Sinha said, "He made me feel that he did so, influenced more by ethical considerations of pursuing a noble ideal than from any strong conviction that the scheme was realizable."

BIHAR'S RENAISSANCE

Mahesh Narayan was, however, made of different stuff. He was a close student of public affairs and was intimately in touch with Indian problems in general and with those of Bihar and Bengal in particular. He wielded a ready pen; he could write in the English language with rare skill and facility. On problems of Indian nationalism, his views tallied most with those of Sinha. In him, therefore, Sinha found just the man he wanted as his friend and collaborator. So, with Mahesh Narayan as editor, a weekly journal, called *The Bihar Times*, was founded in January 1894. With its birth may be said to have begun the period of renaissance in Bihar.

At first, the opponents of the separation movement tried to ignore the paper and treat it with contempt, taking no notice of its writings, which they characterised as "Silly vapourings". In the course of a year, however, it had established itself and had come to be regarded as an accredited exponent of Bihari public opinion.

From 1894 to August 1907, Sinha and Mahesh Narayan worked in fullest cooperation and carried on an active propaganda in support of the movement. Mahesh Narayan passed away in 1907. Though he did not live to see the creation of Bihar as a separated province, yet, in a way, he did witness the beginnings of success as he had been able to inculcate in the rising generation of Bihar the idea for which he lived and worked. Sinha was left alone to carry on the work till the goal was achieved. By this time, the movement had gained enough momentum and Sinha himself had come to occupy a prominent and influential position both at the Bar and in public life. He had gained enough strength to successfully weather the storms that came in the way.

Here, we may interrupt the story just to explain the doubt as to how such great men of culture as Sinha and Mahesh Narayan could allow themselves to "indulge" in a kind of politics which was regarded by many, even by Bihari at the time, as "betraying an undue and undesirable spirit of provincial assertiveness". Referring to this subject, in the course of a life-sketch of Mahesh Narayan, in his book *Some Eminent Bihari Contemporaries*, Sinha writes:

“Mahesh Narayan and I strenuously urged the development, in the first instance, of what the late Lord Balfour had happily called “subordinate patriotism”, akin to what all Scotchmen as such felt for Scotland, while sharing in a common patriotism (with the English and the Welsh) as Britons; and, in the second place, we urged that Biharis should ungrudgingly cooperate with the Indians of the other provinces in pursuit of the common aims and aspiration. Our common ideal was also based on the lines of American patriotism—first the State and then the Republic.”

Sinha and Mahesh Narayan never preached anything which might in any way affect the integrity of India; they were too patriotic to do so or be a party to any such thing. They wanted the people, both Hindus and Muslims, to have an awareness of being Biharis, but at the same time feeling bound with the people of other provinces for purposes of general advancement of the country as a whole. They did not see any conflict between the two ideals. On the country, they felt that the latter pre-supposed the former, since the only type of nationality which could be evolved in so extensive and diversified a region as India would be ‘Federal’. Such a concept prevailed in most of the States of the world, which had composite populations.

Now, to resume the story of the movement conducted by Sinha and Mahesh Narayan, in the words of Sinha “the battle raged loud and long; and the *Bihar Times* carried on a strenuous struggle against heavy odds. The enthusiasm roused in Bihar was tremendous. The movement caught on the spread like wild fire.”

In 1894, a proposal for the transfer of the Chittagong Commissionership of Bengal to the Assam administration, with a view to give relief to the Bengal administration, was under the consideration of the Government of India. Sinha and Mahesh Narayan grabbed this opportunity to analyse and dissect the proposal in the columns of the *Bihar Times* and point out that the proposed transfer would give no adequate relief to the Bengal administration, whereas the separation of Bihar would offer an ideal solution of the difficulty. The above proposal, however, did

not bear any fruit at that time; it remained in suspended animation for some years. The idea of separation of Bihar from Bengal received strong support from the *Pioneer of Allahabad*, and it was popularly believed that the articles on the subjects were written by Sir Antony (afterwards Lord) Mac-Donell—the most distinguished civil servant of the time.

Finding that the movement was forging, the Lieutenant-Governor of Bengal, Sir Alexander Mackenzie, thought of countering it by ridiculing the idea and emphatically asserting (in the course of his reply to the welcome address presented to him by the Gaya Municipality and the Gaya District Board) that no Secretary of State would ever sanction the establishment of another local government in northern India. After this statement by the Lieutenant-Governor, many people began doubting the wisdom of the agitation for the separation. But Sinha, Mahesh Narayan, Nand Kishore Lal and Krishna Sahay remained undaunted and persisted in their campaign, though for some years they had to lie low and bide their time.

In 1903, the proposal for the transfer of Chittagong and Dacca divisions of East Bengal was revived when Lord Curzon's Government elicited public opinion on the subject. Ultimately, Lord Curzon rejected the above proposal, and instead, transferred no less two-third of Bengal proper to Assam. This was known as the 'Partition of Bengal', which became an accomplished fact on October 16, 1905. Against this measure, a ranging agitation started in Bengal; in fact, the whole of Bengal had gone in to turmoil over this partition scheme. It gave birth to what is called the "Terrorist Movement" in Bengal.

The sponsors of the movement for separation of Bihar from Bengal now felt more and more convinced of the rightness of their cause. Their conviction grew stronger every day that time was on their side and their position would, in due course, be fully vindicated.

A few months later, *i.e.* in 1906, Sinha and Mahesh Narayan brought out a pamphlet with a very well-written and well-argued text. It was entitled "The Partition of Bengal or the Separation of Bihar". It achieved a large circulation in India and Britain and

greatly influenced public opinion on the subject. But, Babu Mahesh Narayan's sad and untimely death in 1907 gave a rude shock to the movement. But, soon, it was joined by statwarts like Sir Ali Imam, Mr. Hasan Imam, Sir Mohammed Fakhruddin, Rai Bahadur Brahmadeo Narayan and others. The movement gathered strength rapidly till it gained its end. The creation of Bihar into a separate administrative unit became an accomplished fact only four years later.

After the partition of Bengal, greater attention began to be paid to Bihar in the reconstituted province of Bengal. For the first time, Mr. Sharfuddin, a Bihari, was elevated to the Bench of the Calcutta High Court in 1907. Sir Ali Imam was the first Bihari to be appointed Standing Counsel to the Government of India in the Calcutta High Court in 1908. Out of the four seats assigned to the representatives of the province of 'New Bengal' in the Imperial Legislative Council, two were captured by Biharis, one of which was filled by Sachchidananda Sinha himself. Later, Sir Ali Imam was appointed to succeed Sir S.P. Sinha (later Lord Sinha) as Law Member to the Government of India. In that capacity, he greatly helped in the creation of the separate province of Bihar.

INSIDE STORY

In this connection, the following extract from Sinha's book, *Some Eminent Bihari Contemporaries*, will be of much interest:

"In the autumn of 1911, I was at Simla for the Imperial Legislative Council session, and was staying with Sir Ali Imam at the 'Inveram'. His Majesty the king had already announced his intention of coming to India during the cold weather to hold a Darbar at Delhi at which to proclaim his accession as the Emperor of India. The whole of India was astir at the time and all classes and communities were looking forward to the grant of boons on the occasion of the Darbar.

"One day, Mohammad Ali came to see us and had a long talk on various subjects. Among other things, he said that it would be a good thing if the King declared Delhi to be the permanent capital of the Indian Empire. At this, Sir Ali Imam suddenly grew excited

and said that it was a mad and foolish proposal which the British Government would not even consider seriously, as Delhi was a dilapidated and decayed place, past all restoration and redemption."

After Mohammad Ali had gone, Sinha told Sir Ali Imam that there was no occasion for him to get excited. It was just possible the question might be considered in connection with the territorial changes in eastern India, consequent upon the popularly-expected easing of the great unrest caused by the partition of Bengal. "At this," Sinha goes on to narrate, "Sir Ali Imam looked hard at me, smiled and said : 'You think you are very clever; are you?' I said, 'I think, I am.' He continued: 'You will live to laugh at the wrong side of the mouth', but he added quickly, 'get a couple of copies of your pamphlet on the separation of Bihar, I would like to go through it once again'. Some days later, when giving him copies of the pamphlet, I said, 'I earnestly hope that while you are the Law Member, the Biharis will receive at the hand of the king the greatest boon they desire and deserve—a province of their own'. He laughed and said, 'You are an inveterate dreamer; well, you may go on dreaming'.

After the Council session was over, when Sinha was thinking of returning to Patna, Sir Ali Imam said to him: 'Assuming that there are to be any territorial changes, you do not and cannot expect that Bihar will be endowed with an Executive Council, for neither Agra and Oudh, nor the Punjab, has got any such institution. If ever I brought up a proposal like that I would be laughed at for my fool-hardiness by my colleagues.'

Sinha, there upon, told him that he should urge it on the ground that in the reconstituted Bengal, in which Bihar was predominant partner, there was already an Executive Council when their province had a separate administration. Thereupon Sir Ali said : "Well, that is easier said than done". In reply, Sinha told him that he would think over the matter and see if he could assist him.

Accordingly, he looked into the various books on Constitutional Law and felt satisfied that the distinction was so subtle and technical that it would not be discovered easily, if at all, by the civilian and military members of the Governor General's Council

who very probably would construe the expression 'Governorship-in-Council's or the 'Lieutenant-Governor with a Legislative Council only, and not an Executive Council. He communicated this view to Sir Ali Amam, and told him that instead of making a formal proposal for an Executive Council for Bihar, if that matter at all came up for consideration, he should make it a point to use in all his notes on the subjects the expression 'Lieutenant with his colleagues without eliciting any controversy. Sir Ali, however, doubted whether his colleagues were so dull-witted, but concurred with Sinha that the experiment was worth trying, if ever the question came up for consideration. Sir Ali strictly stuck to his oath of secrecy by not at all disclosing to Sinha that the question was at that very time being actually considered almost daily by the Governor-General and his Executive Councillors—and that too most seriously. Sinha too, though suspecting it, did not, for obvious reasons, press the matter any further.

At last, on the memorable day in the history of modern Bihar—the 12th of December, 1911—His Majesty the King Emperor announced at the Delhi Darbar the formation of Bihar and Orissa as a separate administrative unit, under a 'Lieutenant-Governor-in-Council'.

Continuing the story, Sinha says that the implication of the term used in the King Emperor's declaration was not realised at the time by the distinguished audience, not even by some eminent lawyers. A few days later, when the king was laying the foundation of New Delhi, Sinha was standing next to the late Sir Pramada Charan Banerjee, the distinguished Judge of the Allahabad High Court, who said to him : "Hearty congratulations; so at least you have got a province of your own! Sinha replied : "Yes thanks, and an Executive Council to boot." "Nonsense", said Sir Pramada Charan Banerjee, "you have got a Lieutenant Governor and a Legislative Council just as we have in the United Provinces". Sinha, thereupon said : "Judge, you are for once mistaken. Bihar has got a Lieutenant-Governor with an Executive Council, and also, of course, a Lieutenant Council". "Where did you get that from? I did not hear the King say so" Sir Pramada Charan asked. Sinha explained : "The King declared the Bihar and Orissa were

to be under a Lieutenant-Governor-in-Council, which, as a term of art, means an Executive Council.” “Is that so?”, said he and added “Well, I confess, it did not strike my mind that way”. Many people were similarly mistaken at that time and when Sinha told the story of Justice Banerjee to Sir Ali Imam, the later said that he felt highly gratified at the success of the plan suggested by him (Sinha) for securing an Executive Council for Bihar and Orissa.”

Such is the story of about seventeen years of hard toil by Sinha and his colleagues. His principal collaborator, Mahesh Narayan, of course, had died in the midst of the struggle and did not live to see the fruits of his labour. Sinha, however, lived long enough to contribute his mite to the growth and prosperity of Bihar, both as Finance Minister in its Government, and as Vice-Chancellor of the Patna University. His writings and speeches, as a journalist and legislator, were an important contribution to the political and social thought of Bihar. He was widely respected, and he guided and influenced many individuals and institutions by his sound and mature advice as well as financial help. His claim to be described as “a maker of modern Bihar” thus lies in his untiring work and selfless service.

The Journalist and Scholar

Sachchidananda Sinha was, indeed, a versatile person. He distinguished himself equally as a lawyer, a journalist, a politician and a publicman. By profession, he was a lawyer, but journalism and politics came to him as if by instinct. If one were to ask if he was a lawyer first, the answer will be that he was first a journalist and publicman, and only next a lawyer.

He neither took to journalism as a profession, nor cared to make any money out of it. Although he used to write for a large number of newspapers and periodicals, both foreign and Indian, it was all inspired by the labour of love or was done to serve some definite public purpose. He proudly used to say that, in his whole lifetime, he had earned only three guineas for an article contributed by him to the *Manchester Guardian*, and that to wholly unsolicited. As the *Amrita Bazar Patrika* of Calcutta once very aptly observed : “The law had given him a fortune, while journalism had made him a prodigal, but not like the prodigal in the story who repents and returns; he had spent very large sums in conducting and maintaining several journals at his own cost. Journalism had been his hobby; it had not been a trade with him, yielding the producer’s surplus. On the contrary, he spent from his own pocket on practising journalism very much more than any professional journalist could ever expect to earn in his lifetime”.

It was indeed a very costly hobby, but one which gave him satisfaction and happiness. Sinha actively took part in promoting and even conducting, for a number of years, several newspapers—both weeklies and dailies. Among them were the *Indian People* and *Leader* of Allahabad, the *Bihar Times*, the *Biharee* and the *Searchlight* of Patna.

The *Indian People* was started by him at Allahabad in 1903. After six years of publication as a weekly, it was incorporated with

the *Leader*, which had started publication as a daily from Allahabad in October 1909. Sinha was its founder-director. C.Y. Chintamani, who later distinguished himself as a front-rank journalist and able Editor of the *Leader*, was brought by Sinha to Allahabad in 1903 to assist him in bringing out the *Indian People*. Chintamani became a publicman of considerable influence and importance, and was a Minister in the Government of the United Provinces during the period of the Montagu-Chelmsford Reforms. It may be said that Chintamani was his find and a valuable 'gift' by him to the United Provinces.

Again, at Patna, Sinha was largely responsible for organising the daily *Biharee* in 1912, when Bihar was constituted into a separate province. It has already been indicated how Sinha, in collaboration with Mahesh Narayan, had started the *Bihar Times* in 1894, in order to agitate for the separation of Bihar from Bengal. Later, the *Bihar Times* was converted into the weekly *Biharee* and then incorporated with the daily *Biharee* in 1912.

The daily *Biharee* ceased publication in 1916 and the urgent need for an independent organ of public opinion was very keenly felt by the people. Sinha, therefore, began work for starting such a newspaper. On August 15, 1918, he brought into being the *Searchlight at Patna*, with the active help and collaboration of some of his eminent colleagues at the bar who included Syed Hasan Imam, P.R. Das, P.K. Sen, Dr. Rajendra Prasad and others. It was first, published as a bi-weekly. After two years, its periodicity was increased to thrice a week. Later it became a daily.

The *Searchlight* had a stormy career during the days of the Non-cooperation and Civil Disobedience movements. It made a very substantial contribution to the success of these movements. The advancement and the welfare of the people of the province also owe much to this newspaper. Sinha's help and guidance always remained available to the *Searchlight*. It would be revealing no secret that some of the most brilliant and important editorial which caused considerable stir and sensation, both among the people and in the Government, had come from his pen. He, indeed, possessed the unique gift of handling delicate and contentious topics without getting the paper or its editor into trouble with the

Government. At the request of the Maharajadhiraj of Darbhanga, Sinha also acted as the Managing Director of the *Indian Nation* (Patna) for some time.

THE HINDUSTAN REVIEW

His main journalistic activity, however, was concentrated in editing the famous *Hindustan Review* for about 45 years. A brief history of the *Hindustan Review* would therefore, be relevant here.

Sinha, who had settled down to practise at Allahabad in 1896, was appointed secretary of the local Kayastha Pathshala in 1900. He was also the editor of its monthly English magazine called the *Kayastha Samachar*. It had been founded in 1899 as an educational magazine by that veteran journalist, Ramanand Chatterjee, who was then the principal of the Kayastha Pathshala College. Chatterjee later distinguished himself as the editor of the *Modern Review*, which was founded at Allahabad in 1907, and afterwards moved to Calcutta. Chatterjee conducted the *Samachar* as a high-class educational magazine till June 1900, when he relinquished its charge owing to pressure of work as principal. Sinha was then called upon by the President of the Pathshala, Govind Prasad, to take over the responsibility of editing the *Samachar*. Sinha agreed to do so, but stipulated that he should be given a free hand to conduct it as a general magazine, recording and reviewing Indian progress in all spheres of activity. In other words, Sinha made it a magazine dealing with current political, social and economic subjects, as also literary and educational.

According to this arrangement, the *Samachar* appeared in its new garb in July 1900. In the new issue, the place of honour had been given to a signed political article, entitled "Sir Anthony MacDonell and the United Provinces". This article was written by Sir Tej Bahadur Sapru, who was a rising public figure at the time. This was followed by several other well-written and thoughtful articles, editorials and reviews of books.

As Sinha himself had pointed out in the course of an article written by him in the *Hindustan Review* of July 1934 (on the

occasion of the *Hindustan Review* having completed 35 years of publication), there was no Indo-English newspaper or periodical in the United Provinces, except the *Advocate* of Lucknow, which was published twice a week, and was edited by that well-known publicman, Ganga Prasad Verma. The *Samachar*, though it was only a monthly, came to fulfil the long-felt need for an organ of Indian public opinion (as then voiced by the Congress) not only in the United Provinces, but in the whole of northern India.

The publication of this monthly was enthusiastically welcomed by all leading publicmen and, in less than two years, it came to have on its list of contributors almost all the distinguished scholars and eminent publicists in the country. The *Samachar* earned a reputation for being a well-conducted journal, not only in India but even abroad. It was acknowledged also by the government of the day as an exponent of sound and progressive Indian public opinion. This is evident from the fact that it was the only monthly magazine whose editor had been invited to the Delhi Darbar of 1903. In the same year, the trustees of the Kayastha Pathshala agreed to Sinha's proposal to give to the journal an appropriate and comprehensive name. Its name was changed to *Hindustan Review*.

In 1904, Gokul Prasad was elected President of the Kayastha Pathshala. There arose some difference of opinion between him and Sinha over the policy of the *Hindustan Review*. Thereupon, Sinha immediately issued the prospectus of a new monthly to be called the *New Hindustan Review*. Ultimately, on the intervention of some common friends, the Kayastha Pathshala authorities transferred to him the proprietary rights and goodwill of the *Hindustan Review* for a sum of Rs. 1,000 only, which he gladly paid.

For eighteen years, the *Hindustan Review* continued to be published from Allahabad under the editorship of Sachchidananda Sinha. On his appointment as Member of the Bihar and Orissa Executive Council in 1921, he had to sever his editorial connection with the *Review*. He handed over charge to K.C. Mahindra, B.A. (Cantab), who was then working with the firm of Messrs Martin & Co, at Calcutta. For the sake of his own convenience, Mahindra transferred the office of the *Hindustan Review* from Allahabad to Calcutta, from where the journal continued to be published till

1926. On the expiry of his term as Member of the Governor's Executive Council, Sinha resumed as editor of the *Hindustan Review*. From then on, it was published from Patna till a few months after his death in 1950.

During all these years, Sinha met from his own pocket every pie of the expenditure incurred on its publication. He never cared to make it a commercial proposition. In those days, the conditions were also not very propitious for a journal of the type of the *Hindustan Review* to be, financially, a paying proposition. Throughout its existence, the journal remained a losing concern, but Sinha ungrudgingly met the monthly deficit of two to three thousand rupees from his pocket regularly.

Apart from the recurring financial loss that it involved, the editing of the *Hindustan Review* made heavy demands on the time and energy of the busy lawyer and publicman that Sinha was. Those who had seen him at work or who had to deal with him as editor will easily bear testimony to the truth of the observation made by that veteran journalist, Sant Nihal Singh, a life-long and intimate friend of Sinha. Nihal Singh said: "He (Sinha) was an editor in the real sense of the term; he was not content merely with obtaining articles from various writers of distinction, adding thereto the pick of the ones received unsolicited and sending all that he found usable to the press, gleaning casually through the proofs and calling his job well done". No, in the words of Sant Nihal Singh again, "he went over every copy as if with a microscope. If any facts or figures raised any doubt in his mind, he looked it up. If it struck him that something vital was missing, he supplied it himself or made a note of it and asked the author to do the needful. He would reconstruct clauses, sentences, paragraphs and even pages; the articles sent for publication must be above such foibles. His concept of editorial responsibility would not permit him to delegate such a function to his staff". What a tremendous amount of time and labour all this must have involved can better be imagined than described. If the *Hindustan Review* could achieve distinction of being a high-class journal dealing with politics, economics, literature and arts, it was due to the hard work that Sinha put in, and the good deal of time that he devoted to it.

He did immense good to public life by popularising sound political ideas and disseminating a healthy public opinion on current controversies through exceedingly well-written and thoughtful articles on different subjects. The journal stimulate intellectual pursuits through the medium of its Literary Supplements and Book Review section. Sinha was once aptly described by some journalist as a “peer among journalists and a journalist among peers”.

The motto on the first page of every issue of the *Hindustan Review* was the following famous lines of William Lloyd Garrison:—

“I will be as harsh as truth and
as uncompromising as justice;
I am in earnest; I will not equivocate;
I will not excuse;
I will not retreat a single inch; and
I will be heard.”

It must be said without any exaggeration that the *Hindustan Review* fully lived up to the principal enunciated in the above lines both in letter and spirit.

Its policy had always been to give fairplay to all, and to offer a forum for the expression of all points of views by leading exponents of various shades of opinion. Only the editorial pages were reserved for such comments as might represent the views and the policy of the editor of the *Hindustan Review*. The editorial policy had always been to take an independent nationalist line not necessarily identified with any political party.

Sinha’s editorials bore the impress of the clear and independent thinking of a widely read man. In the words of Sir Sivaswamy Iyer, “his extensive knowledge of English, his abundant sense of humor and his literary flair combined to invest his style with a charm of its own”. He could easily glide from ‘grave to gay’. He not only preached, but also practised the virtue of sobriety which, he belived, was a valuable and indispensable aid for adherence to truth and justice. According to him, truth and justice should be the basic principles of an honest journalist.

In a controversy, however, when provoked to do so, he could use with smashing effect his capacity for subtle banter and biting

invective without being vulgar or indecent. He had a prodigious memory and references used to be at his finger-tips. With such natural gifts and high intellectual attainments, combined with capacity for hard and methodical work, it was no wonder that Sinha could make the *Hindustan Review* a notable success and to secure for it distinction as a journal of even international repute.

Sinha had the honour of being invited to represent India at the International Press Conference organised by the League of Nations at Geneva in October 1927. He had a very soft corner for journalists, particularly junior struggling journalists, who could always depend upon him for help in times of need. As a matter of fact, those who sought his help were never disappointed.

SACHCHIDANANDA SINHA LIBRARY

It may be appropriate to note here that the books received for review in the *Hindustan Review*, along with those purchased or received as complimentary copies, made up the nucleus of the magnificent 'Sachchidananda Sinha Library'. This Library is housed in a large building at Patna, constructed by him at a cost of over Rs. 1,50,000. He made a gift of the Library to the nation in 1924. Since then, it has expanded considerably and stands today as a fitting monuments to his love of books and scholarship. In this way, he did not leave it to others to erect a memorial to him after his death. He did it himself in his own life-time and in such a splendid manner.

The imposing building, housing the Shrimati Radhika Sinha Institute and Sachchidananda Sinha Library, was constructed in pursuance of the wishes of his wife, Shrimati Radhika Sinha. It was her wish that the large collection of Sinha's books should find place in a suitable building and it should be made over to a public trust. The trust was created with a generous and princely donation of about Rs. 3 lakh for the proper management of the library and the maintenance of the building. Situated in a central place, very close to the Patna Museum, it has a big hall which was originally intended to serve the purpose of a Town Hall. This hall is now used as reading room because the old room could not accommo-

date the increasing number of people who visited every evening to read the large number of newspapers and periodicals in the Library. There are research rooms and reference rooms, which are well stocked with books and old files of important newspapers and periodicals, both Indian and foreign. The Library now has a collection of over one lakh volumes of Hindi, English, Urdu and Sanskrit books on various subjects.

Sinha developed a keen interest in the collection of books very early in life. His interest was of a kind very different from that of many others who collect books and even build libraries, just to show off their importance or status in society. In the Sinha Library are to be found very few books, if any, without copious red and blue pencil markings on their pages. This shows that most of them had been carefully studied by Sinha.

In his younger days, Sinha was associated with the magnificent Khuda Baksh Oriental Library at Patna. He became its acting secretary when Khan Bahadur Khuda Baksh Khan, its founder, left Patna to serve as Chief Justice of the Hyderabad State. Sinha was also connected with the administration of the Imperial Library at Calcutta from 1929 to 1932, and again from 1935 to 1944. He was also associated with the Indian Library Movement. It was at his instance that the fourth session of the All-India Library Conference was held at Patna. The Reception Committee was headed by him and the Conference was presided over by Sir John Sergeant. As Vice-Chancellor of the Patna University, he introduced several improvements in the University Library, which was considerably enriched by the large addition of books during his term of office.

The Legislator

During the first decade of the twentieth century, the Legislative Council—both Provincial and Central—had been functioning under the Indian Councils Act of 1892. The regulations framed by the Governor-General-in-Council *inter alia* provided that the non-official seats should be filled up on the recommendation of such public bodies as Municipalities, District Boards, Chambers of Commerce, Universities, etc. In 1907, Sinha was a candidate from the District Boards Constituency of Patna Division which comprised the district of North Bihar also. The District Boards in North Bihar were dominated at that time by European officials and indigo planters, who regarded Sinha as fire-brand. They did not like his advocating such a 'revolutionary' measure as the separation of the judiciary from the executive. They had, therefore, all combined to keep him out of the Council. Finding that he had no chance of succeeding against his rival candidate, who was a favourite of officialdom, he quietly withdrew. Soon, thereafter, he started a strong agitation for freeing the District Boards from official control. In course of time, he succeeded in achieving this objective.

Later, on the introduction of the Morley-Minto Reforms in 1910, Sinha was elected to the Imperial Legislative Council as a representative of the non-official members of the Bengal Legislative Council. The Indian Council Act of 1909 had made some important changes in the composition of the Legislative Councils. The number of 'additional' members of the Imperial Legislative Council was raised to a maximum of sixty, of whom not more than twenty-eight were to be officials. Five members, three of whom were to represent certain specified communities, were to be nominated by the Governor-General. Of the remaining twenty-seven seats, thirteen were to be filled by the non-official members

of the Provincial Legislative Councils; fourteen seats were to be filled up by elected members, representing certain special constituencies, like landholders in seven provinces, Muslims in five provinces, and the remaining two by the Calcutta and the Bombay Chambers of Commerce.

In the Provincial Legislative Councils, the numbers of "additional" members was raised to a maximum of fifty for all provinces, except Burma and the Punjab, where the number was fixed at 30. It was so arranged that the elected members might always be in a minority as against the combination of official and nominated non-official members. In Bengal, however, there was clear majority of elected members, but this was more nominal than real, since four of the elected members were representatives of the European community. The other non-official members were elected by groups of local bodies, landholders, trade associations, and universities. The Muslims were conceded separate representation in Madras, Bombay, Bengal, the United Provinces, East Bengal and Assam.

The members of the Bengal Legislative Council were to elect two members as their representative in the Imperial Legislative Council. Sinha contested the election against Maharajadhiraj Sir Rameshwar Singh of Darnhanga, Maharaja Ravaneshwar Prasad Singh of Gidhaur, the Maharaja of Kasimbazar, Maharaja Pradyot Kumar Tagore and Bhupendra Nath Basu. To the surprise of all, the four Maharajas were defeated. Sinha and Bhupendra Nath Basu were declared elected.

In the Imperial Legislative Council, Sinha had the good fortune of working under the guidance and inspiration of Gopal Krishna Gokhale, and learning a good deal at his feet. Sinha's closely-reasoned speeches, in a language at once clear and unequivocal, and supported by authoritative facts and figures, soon enabled him to establish a reputation as an able publicman and parliamentarian. By reason, however, of the maintenance of the official majority in the legislatures, it was impossible for the non-official representatives to carry any point, be it ever so sound or well-reasoned.

Participating, however, in the Budget debates, during the years 1910, 1911 and 1912, Sinha, in the course of his speeches, pleaded

strongly for better financial arrangements between the Government of India and the Provincial Governments so that the latter might be in possession of larger funds for expenditure on works of tangible benefit to people. He accused the India Government of “shearing the provincial sheep, leaving it shivering in the cold”. He declared that so long as the Imperial Government continued to claim the lion’s share of the revenues raised by the Provincial Government, there was very little chance of improvement in the condition of the people. Under the circumstances, he said, the administration of the provinces could hardly make any satisfactory progress.

Another point that he emphasised was the urgent need for “just apportionment of the expenses on the British troops stationed in this country, between the Home and the India Governments”. It was indeed a serious blot, he observed, that the army and the police should receive so much more attention than education as to have absorbed between them, during the last two years, not less than 25 times the money spent on the latter—Rs. 397 crore as against Rs. 15 crore.

The other subject on which he held strong views was the need for larger employment of Indians in the public services, and for making recruitment to the judiciary from the legal profession. He strongly supported the demand for throwing open the commissioned ranks of the army to Indians.

Sinha also gave his full support to the resolution moved by G.K. Gokhale (on February 20, 1910) demanding an end to the recruitment in British India of indentured labour for Natal in South Africa. In his moving speech, he threw into the face of the Government of India the strong and indignant words used by some distinguished British statesmen, such as, Lord Curzon, Lord Lansdowne, Sir George Hamilton and others condemning the inhuman treatment of indentured labour in Natal, South Africa.

Sinha’s interest in the fate of Indians in the colonies found expression also in the debate on the resolution moved by Surendranath Banerjee in February 1920, for the appointment of a committee to examine the scheme of colonisation in British Guyana. Sinha moved an amendment to enlarge the scope of the proposed committee so

as to include in its terms of reference the examination of the status and position of Indians in all the British colonies.

In 1913, there was to be a new election for the Imperial Legislative Council. The people of Orissa (which then formed part of the Province of Bihar and Orissa), wished an Oriya to be elected since none had till then been elected to the Imperial Council. Sinha, therefore, voluntarily withdrew in favour of Madusudan Das.

In 1919, however, a vacancy having occurred, Sinha was returned unopposed to the Imperial Legislative Council. The nomination paper of his only rival, Ajit Prasad Sinha, had been rejected on some technical ground. He continued to be a member of the Council till its dissolution on the introduction of the Montagu-Chelmsford Reforms. This was the time when the Jallianwala Bagh massacre had taken place and brutal atrocities perpetrated on the people of the Punjab. Sinha took a prominent part in the debates on the subject in the Imperial Council and his speeches were lauded all over the country for their onslaught against the officials of the Punjab Government and those of the Government of India.

He subjected the Punjab Indemnity Bill to a very scathing, but sound and well-reasoned, criticism. At one stage, in sheer desperation, Sinha made the telling observation at the cussedness of the official members :

“Whatever weight of reason there may be on our side, any opposition to a Government measure is bound to be, so far as we are concerned, infructuous, because, when the Government bring in a measure, there are behind the front Government Benches the serried ranks and the solid phalanx of our officials friends, 35 strong, who sit here for the purpose of supporting the Government in any measure the latter may like to bring in.

Theirs not to reason why,
Theirs not to make reply,
Theirs but to vote and die.

What is the good in a Council like, this for any one of us to try to persuade the Government? Once they have made their mind that a measure has to be got through the

Council, the old shibboleth of the responsibility for maintaining law and order being on the shoulders of the Government is trotted out; and there are those 35 valiant soldiers to vote down any opposition that we may have to offer”.

Yet, if he placed before the Council certain observations on Bill, it was not, as he explained, with the purposes of carrying on any infructuous opposition, but simply to show that Government did not deserve the “moral assent” of the non-official members which they had asked for the Bill.

Among other subjects on which Sinha spoke during the years 1919-1921 were: the Seditious Meetings Bill, the military policy of the Government of India, and the demand for the establishment of an Executive Council for the United Provinces of Agra and Oudh. He particularly distinguished himself in the debate on the Punjab Enquiry Commission and the Punjab Indemnity Bill by his bold and courageous stand and the manner in which he gave back to the officials what they deserved, and reduced to shreds their contentions and arguments.

ELECTED DEPUTY PRESIDENT

The Government of India Act, 1919, had laid down that, for the first four years, the President of the Central Legislative Assembly was to be a nominee of the Governor-General; in the case of the provincial legislatures, he was to be nominated by the Governors or the Lieutenant-Governors. After the four-year period, the President was to be chosen by the members of various legislatures. The legislature bodies were, however, free to elect, from the very beginning, their Deputy Presidents.

Consequently, Sir Frederick Whyte was nominated by the Governor-General as the first President of the newly-constituted Central Legislative Assembly. The Deputy President had to be elected by the members of the Assembly. Sachchidananda Sinha, who had been elected member of the Central Legislative Assembly, was asked by Sir Tej Bahadur Sapru and other friends to be a candidate for election to that office. His others two rivals were

Sir Deva Prasad Sarbadhikari from Bengal, and Sir Hari Singh Gour from the Central Provinces and Berar. The Assembly had a large block of officials and non-officials nominated by the Governor-General. Every candidate, therefore, tried his best to secure the Government's support.

Fortunately for Sinha, Sir William Vincent, then Home Member (who was a Bihar civilian) had known him for a long time. When he was posted as a Sessions Judge in Bihar, Sinha had appeared before him as a lawyer in many cases. Later, as a non-official member of the old Legislative Council, he had even crossed swords with him on several subjects under discussion. Somehow, Sir William decided to support Sinha and was able to get for him the solid votes of the nominated officials and non-officials. Sinha was, therefore, easily elected by an overwhelming majority, having secured 67 votes against 22 secured by Sir Deva Prasad Sarbadhikari, and 24 by Sir Hari Singh Gour.

His election was widely welcomed both by the press and the people. Sir Frederick Whyte had been particularly kind to him inasmuch as he arranged that he (Sinha) should preside over the Assembly every day after the luncheon recess till tea-time. This enabled him to acquire practical experience of the work. By his genial temper and ready wit, combined with wide political outlook and a non-partisan attitude, Sinha was able to win the appreciation of those who had occasion to come into contact with him officially.

Sinha was appointed member of the Executive Council of the Governor of Bihar in May 1921, largely at the initiative of Lord S.P. Sinha, who was then the Governor of the province. He, therefore, resigned his membership of the Central Assembly and took over as member of the Executive Council from Rai Bahadur Krishna Sahay who had been unfortunately taken seriously ill. The latter passed away a few months later.

PRESIDENT OF BIHAR COUNCIL

It was indeed an incompatible combination—the Presidentship of the Legislative Council and the membership of the Governor's Executive Council. Sinha was called upon to discharge the duties

of the two offices simultaneously for more than a year. It was a unique experiment which had never been tried either in this country or any other with a parliamentary system of government. If it proved a success on all accounts, it was entirely due to the extraordinary qualities of head and heart which Sachchidananda Sinha possessed.

The story of how it came about makes interesting reading. Montagu, then the Secretary of State for India, was keenly interested in the working of the constitution which was associated with his name and that of the then Viceroy and Governor-General, Lord Chelmsford. He thought that the success of the constitution depended largely upon the relationship that might be established between the Legislative Council in each province and the person selected to hold the office of President. In the course of his despatch, dated December 23, 1920, he had laid down :

‘The first President of a Council is not to be regarded as an official in the accepted use of the term. He will be an official of a kind hitherto unknown in the Indian hierarchy. I earnestly trust, therefore, that the Government, the Presidents, and the Councillors alike will realise that whatever walk of life the President may be chosen from, the moment he assumes office he ceases to be an officer of the Government. It will be the duty of the President so to conduct himself as to favor neither the Government nor the opponents of the Government; to oppose the desire of even the majority when, in his judgment, that desire is in conflict with the interest of the Council as a whole; and to do his best to secure fair treatment, by the Council, of minorities or individuals when they appear to him to have reason and justice on their side. In short I took to the time when the President will be regarded as a person to whom, if in any case a personality of unquestioned impartiality is required for the settlement of any difficulty, all parties will naturally and without hesitation resort’.

Montagu had further made it clear that he regarded it as impossible to combine with it any direct employment under the Executive Government. “Any attempt to utilize the services of the

President, as part-time employee of the Government, will be incompatible with the proper discharge of his obligation to the Council". Yet, in the case of Sachchidananda Sinha, what happened was exactly contrary to the instruction laid down by the Secretary of State!

Lord S.P. Sinha was then the Governor of the Province of Bihar and Orissa, and there were three members in his Executive Council. He was unwilling to appoint anyone as President on a high salary for, in his view, the Province was too poor to afford to pay for the service of an additional high officer, while obviously, it was not possible to secure the service of any qualified person to work as honorary President.

At the same time, Sachchidananda Sinha had moved a resolution in the Imperial Legislative Assembly to reduce the strength of the Executive Council from three to two, as was the case in all other major provinces, except of course, in the three Presidencies of Bengal, Bombay and Madras. The resolution was carried, and after that the Government announced that they would recommend to the Secretary of State to accept the proposal so that when the senior member of the Bihar and Orissa Executive Council retired, the vacancy caused would not be filled up, and in that way the strength of the Executive Council would be automatically reduced.

Lord Sinha felt happy over the success of the above resolution of Sinha, but there was no immediate solution of his problem. In the course of a private conversation, the Governor was believed to have once told Sinha that, as administrative head of the Government, he found it extremely difficult to act up to Montagu's advice to appoint a President on Rs. 3,000 a month in a province where the land revenue was inelastic, and the revenue from excise was undependable on account of the Non-cooperation Movement. Thereupon, Sachchidananda Sinha asked him whether it was open to him to act against Montagu's despatch on the subjects. In reply, the Governor said that he proposed to write to Montagu telling him that, for special reasons, Bihar and Orissa could not afford to appoint a high-salaried President. Sinha then suggested that, in that case, he might utilise for the post of President the services of the

senior member of the Executive Council, though that would be clearly going against the principles laid down by Montagu. Sinha had little expected at the time that his suggestion would be accepted, and that one day he himself would be called upon to combine in himself the two functions of the President of the Council and the member of the Executive Council.

Lord Sinha pursued the suggestion made by Sachchidananda Sinha, and ultimately succeeded in appointing the senior member of his Executive Council, Sir Walter Maude, to take up the work of the President of the Legislative Council, in addition to his duties as member of the Executive Council. Sir Walter retired in April 1921.

Shortly thereafter, the other member of the Executive Council, Rai Bahadur Krishna Sahay, went on leave for four months on grounds of ill-health. Sachchidananda Sinha was appointed as a temporary member in his place and was also called upon to act as President of the Legislative Council in place of Sir Walter Maude. So, in the July session of Council, Sinha took his seat, not on the Government Benches as member of the Executive Council, but in the presidential chair. He continued in this capacity till November 1922.

It may not be out of place here to recall an interesting episode, in view of the fact that the non-official member involved in it (Nirsu Narayan Sinha) was himself, some years later, elected as the President of Bihar Legislative Council. The very first important ruling that Sachchidananda Sinha was called upon to give was in connection with the procedure in the Indian legislature. The non-official member from Saran, (N.N.Sinha), had made a certain casual remark which was held to be unparliamentary by the President, and as such he was asked to withdraw it. The member, thereupon, said that he would rather withdraw from the House than withdraw his remark. To this, the President replied : "The choice is his and he takes the responsibility for his action". The member then withdrew from the House.

Next day, when the member took his seat in the Council, the President said : "The hon'ble member evidently thought yesterday that by withdrawing from the Council Chamber himself, he would

be imposing upon himself the penalty prescribed under the rules. My ruling is that in taking that view of the matter, he was mistaken and the provisions of Section 32 have not been so far complied with. As he himself withdraw from the Council Chamber yesterday, he gave no opportunity to me to enforce this particular provision, which is, in my opinion, absolutely necessary for the maintenance of discipline in the House. This being the first opportunity on which I can enforce the rule, I, now, acting under the powers vested in me under Section 32, call upon the hon'ble member for the sake of the dignity of the House to either withdraw the remarks he made and to express regret for having disobeyed the ruling of the Chair, or, if he does not wish to do that—and he is quite at liberty to take his own course in this particular matter—to be deprived of his right for the day. I have no alternative in the latter case but to ask him to withdraw from the deliberations of the House for today. This is my ruling and it is not open to discussion”.

The member thereupon said : “Then I may take it that I am not even entitled to state the facts upon which this ruling is based or upon the expression which the hon'ble President has used that I had the voice in the matter to withdraw. And if that is not so, then may I ask if I am entitled to say anything in my defence”.

The President : “The hon'ble member is not entitled on a point of order to make any speech, but as he has raised the point again, I shall once more state to the House that the view taken by the hon'ble member for Saran is not correct, because he said : “I would rather withdraw from the House than withdraw the remarks’. My reply to that was that the choice was his and he would assume responsibility for his action. Thus, it was clear that there was nothing said at the time about any penalty, such as the Section under consideration contemplates. I now once again give the hon'ble member the opportunity that if he cares to accept my ruling that he has offended against the dignity of the House, then he will, as befitting a gentleman of education and culture and a member of the Legislature, withdraw the unparliamentary remark and express his regret for the defiance of the authority of the Chair or, if he shall not do so, withdraw from the House for the rest of the day”.

The member, thereupon, withdraw from the House.

This incident may appear to be very insignificant today, but it naturally evoked considerable interest and even criticism in the press. Sinha's view, however, was generally upheld, particularly by Sir Frederick Whyte, the President of the Imperial Legislative Assembly. It only shows how strict Sinha was in enforcing discipline and maintaining decorum in the House, being always conscious of the fact that it was given to him to introduce and establish the best parliamentary traditions in the Council.

There is, however, no doubt that he found the combined work of President of the Council and member of the Executive Council very trying and exacting. Apart from the heavy volume of work that it involved, he had to perform also a difficult psychological feat of trying to be impartial even when his own departments were subjected to severe criticism by the members of the Council; and it must be admitted that he rose to the occasion and, on the whole, gave a good account of himself.

Ultimately, on the retirement of his senior colleague, Sir Havilland LeMesurier, the work of the three members of the Executive Council had to be divided between two members only. Sinha was then relieved of his duties as President on November 20, 1922, after having won universal appreciation for his work and worth.

Thus, it can well be said that Sinha's contribution to the growth of parliamentary conventions and practices in India, as President of the Bihar and Orissa Legislative Council, were of no mean order. His work as Deputy President of the Indian Legislative Assembly was also highly spoken of by all. Sir Frederick Whyte, the first President of the Indian Legislative Assembly, paying tributes to him said. "Few figures in the contemporary constitutional and political movement in India were better known than Mr. Sinha". When faced with constitutional intricacy or difficulty, Speakers, legislators, and even administrators used to consult Sinha confidentially, and the latter always came to their help quietly without making any fuss over it.

A question was referred to him by the Speaker of the Bihar Assembly in 1939. The Speaker wanted to be sure whether he had the right to call a meeting of the Legislative Council when the

Constitution had been suspended. The reply given by Sinha was as follows :

“It is only after the commencement of a session that the hon’ble Speaker may direct the Assembly to sit when business may require a sitting, but the session can commence only on the Assembly being first summoned by His Excellency the Governor in his discretion, in exercise of the power vested in him under Section 62(2) (a) of the Government of India Act, 1935. It follows then, as a corollary, that in view of the operation of this provision being at present suspended by virtue of the proclamation issued by His Excellency the Government [under section 93(2) of the said Act] and the fact that His Excellency the Governor exercising all the powers vested by or under the Act in the Provincial Legislature and in either Chamber thereof, though the hon’ble Speaker may continue in office until the next general election, he is, in fact *function officio* insofar as his work of convening a session of the Assembly is concerned”.

There was, however, the stubborn fact, which, in his opinion, could not be brushed aside or ignored that “the Legislature does exist, it having been only prorogued, but not dissolved, and that as such it has a constitutional right to claim to meet to represent its constituents and express public opinion. In these circumstances, if the hon’ble Speaker accepts the view I have expressed above, he should as the custodian of the rights and privileges of the Assembly, approach His Excellency the Governor to take action under sub-section (2) of Section 92, and to be pleased to revoke, or vary his last proclamation, so as to enable the Assembly to meet and express their opinion as that of the elected representative of the people”.

The Administrator

On being appointed member of the Bihar and Orissa Executive Council in May 1921, Sinha was consulted by the Governor, Lord S.P. Sinha, as to what portfolios he would like to have. Sinha mentioned some departments, but did not include Finance among them. Thereupon, Lord Sinha in a way insisted that he should have the major portfolio of Finance also. The two considerations that prompted him to do so were : firstly, that there was no Indian member of the Executive Council in charge of Finance in any other province; secondly, that a Finance Member possessed the unique opportunity of peeping into the affairs of all other departments of the Government, and of exercising some control, may be indirect, over them. Another important consideration that perhaps weighed with Lord Sinha was that, under the new Dyarchical system of administration, which had just been introduced at the time, the Finance Department of the province had to be very vigilant in carefully maintaining a balance between the Reserved and the Transferred subjects in the matter of allotment of funds. Lord Sinha was anxious that the demands of the ministers in charge of the Transferred Departments should be treated in a sympathetic manner so that the nation-building programme might not suffer unduly. He, therefore, desired that when a publicman of Sinha's reputation and standing was available, the Finance portfolio should not go to any one else. Thus Sinha was given the Finance portfolio also, along with some other departments. It does to his credit that he fully lived up to the expectations of Lord Sinha and the people of the province.

It may be interesting to note here that, as later developments showed, Lord Sinha had acted with prophetic vision, as it were, in allotting the Finance Department to Sinha. When the dyarchical system of administration had worked for three years, a committee

was appointed by the Government of India, under the chairmanship of Sir Alexander Muddiman, to examine and report on the working of the Montford Reforms. The one general complaint of a rather serious character made before it was that the Finance Member was in charge of some spending departments as well. It was argued that there was a natural desire on his part to promote the interests of the departments under him at the expense of other departments, particularly the nation-building departments, which were under the control of Ministers. In many provinces, the Minister felt that their departments had been starved. But, on an examination of the figures of allocation of funds between the two halves of the Government, it was found that the aforesaid charge of the Ministers, however, true and valid it may have been in respect of some other provinces, was not so in respect of Bihar.

For instance, while in Madras the figures of expenditure on the Reserved side, during the years 1921, 1922 and 1923, were 68 per cent, 67 per cent and 66 per cent, respectively, the corresponding figures for the Transferred side were 32 per cent, 33 per cent and 34 per cent, respectively. Likewise, in Bengal, the figures for expenditure on the Reserved side during the same years were 70 per cent, 66 per cent and 66 per cent, respectively; the corresponding figures for the Transferred side were only 30 per cent, 34 per cent and 34 per cent, respectively. In Assam also, the Transferred Departments got 22 per cent, 26 per cent and 25 per cent only of the revenue, the major portion having been allotted to the Reserved Departments. This was the state of affairs in the provinces in which the Finance Departments were under the charge of European members of the I.C.S.

In Bihar and Orissa, where an Indian Member of the Executive Council (Sinha) presided over the Finance Department, the case was entirely different. Here, during the three years 1921, 1922 and 1923—the Transferred Department were not only not starved, but, on the contrary, were extremely well-fed, with the allotments of 70 to 74 per cent for them. The figures for 1924-25, 1925-26 and 1926-27 were still more telling. During 1924-25, the Reserved Departments got 10 per cent recurring and 35 per cent non-recurring, the Transferred Departments got 90 per cent

recurring and 65 per cent non-recurring. Similarly, the figures of 1925-26 and 1926-27 were : Reserved—7 (recurring) and 10 (non-recurring) and 5 (recurring) and 25 (non-recurring) respectively. The Transferred Departments' figures were 93 (recurring) and 81 (non-recurring) and 95 (recurring) and 75 (non-recurring), respectively. On an average, the expenditure of the Transferred Departments worked out to 78 per cent as against only 22 per cent of the Reserved Departments.

Bihar and Orissa was the one province where the Ministers had the least complaint to make against the Finance Department. In fact, the late Sir Ganesh Dutt Singh, who was one of the Minister when Sinha was the Finance Member, acknowledged in the most unequivocal terms the generous support he had received from the Finance Member. Speaking at a party given to Sinha by the citizens of Patna after his retirement from office, he said :

“I know what an important part an Executive Councillor plays in the financial administration of Dyarchy. I may tell you that whatever complaint you may have against Dyarchy, half of them will disappear if you have a sympathetic and cooperative Finance Minister like Mr. Sinha. We know the value of the help and sympathy we received from Mr. Sinha in the discharge of our duties. Whenever there arose any difficult question from the financial standpoint, we always looked up to him for help and we did always receive from him his generous support. I do not know, how we shall fare in his absence.”

The other minister, Sir Mohammad Fakhruddin also spoke in glowing terms about him for having “creditably discharged the onerous duties entrusted to him as the Finance Member of the Governor's Executive Council.” It was during Sinha's term of office that education and health programmes received considerable encouragement and support. At the time of laying down the reins of his office, he could justly claim that the financial condition of the province stood on a better and stronger footing than at the time he had taken charge of that department. No wonder that the Indian members of the Muddiman Committee on Indians Reform (Sir Tej Bahadur Sapru, Sir Sivaswamy Iyer, M.A. Jinnah and Sir

R.P.Paranjpye) were able to strongly refute in their minority report the theory propounded by their European colleagues that only trained I.C.S. officers could successfully manage the work of the Finance Department and no non-official Member or Minister should, therefore, be placed in charge of that department. They said : "The Indian Member of the Executive Council of Bihar and Orissa who holds the Finance portfolio has not proved to be less competent than the Service members in other provinces. But had he been an elected member of the legislature, responsible to it, he would have been ineligible for that position. We think that this bar should be removed even under the present system".

JAIL ADMINISTRATION

Perhaps, the most difficult problem that Sinha had to deal with as a Member of the Government in charge of jails was the treatment of political prisoners, that is, those prisoners who were convicted of taking part in the Non-cooperation Movement of Mahatma Gandhi. As the Member-in-charge, it was his responsibility to exercise proper control over prisoners, consistent with their humane treatment, more so in respect of political prisoners.

When Sinha took over charge in May 1921, the Inspector General of Prison happened to be a British Officer of the Indian Medical Service. But he went on leave in 1922. In his place came Sir Hormusji Banatwala, a retired member of the I.M.S., who was known to be very *zabardast* or stern officer, and positively hostile to political prisoners. In fact, it appeared that the very idea of a political prisoner deserving of any treatment different from the one meted out to ordinary criminals did not enter his brain. Among the Non-cooperation political prisoners, there were all sorts of persons, including those who were not willing to accept the inevitable limitations of jail life, or were not easily amenable to jail rules and discipline. Naturally, there used to be frequent clashes between these prisoners and the jail officials. Headed by Sir Hormusji, the jail officials were ever ready to impose the harshest punishment for violation of jail rules or discipline.

Sinha, of course, held views entirely opposed to those of Sir

Hormusji and other officers, mostly Europeans, with regard to the treatment of these prisoners. He had thus a difficult task in enforcing his will against the most vehement opposition of these officers. To his credit, however, he managed the situation very well and was able to have his way in most matters, particularly in the matter of imposing the punishment of whipping on political prisoners.

In one of the jails, the Inspected-General had directed that some youngmen, who were said to have persistently defied the authority of the jail officers, should be put to grinding corn and such other work involving hard labour. In the case of one of them, the punishment of whipping was also ordered. Both the public and the press felt greatly agitated over it. These actions also led to a heated and acrimonious debate in the Bihar and Orissa Legislative Council. Sinha tried to deal with the situation as tactfully as he could. He was misunderstood for some time, so much so that even a man like Dr. Rajendra Prasad wrote articles in the press strongly criticising him. Unmindful of the harsh criticism and undaunted by the stiff opposition and even threats given by the officers, Sinha persisted in his endeavour in his own way. At last, he succeeded in asserting his view that political prisoners, on no account, should be subjected to whipping.

In the note prepared by him for the discussion of the subject with the Governor, the position taken by him was that in case of a prisoner who was contumacious and recalcitrant, he would not shrink from sanctioning the order of whipping, provided—and it was a very important proviso—there was no alternative to such a course, and it was found absolutely essential in the interest of maintaining discipline in jails. He, however, expressed himself strongly that he should be able to carry on the jail administration without whipping any prisoner. He was always conscious of the strong feeling in the country, which he himself fully shared, that such punishment was not only inhuman and brutal to the delinquent but it also dehumanised the directing authority. He was, therefore, averse to any prisoner being flogged and suggested that, if necessary, he might be prosecuted under the Prison's Act for any specific offence or offences.

Against this method of dealing with the prisoners, it was pointed out to him by the officers concerned, no prosecution for jail offences could lie unless the superintendent had exhausted all the penalties he could inflict, including, of course, that of whipping. This view of the law was, however, not acceptable to Sinha. On the contrary, he held that the section, dealing with prosecution for prison offences, nowhere laid down that the superintendent must have first resorted to whipping or exhausted his right of imposing other punishments by actually exercising it before he could place a prisoner on trial for jail offences. All that the section laid down, he pointed out, was that before placing the prisoner on trial, the superintendent should give his opinion that no punishment which he had the power to award could be adequate to meet the situation. In the circumstances, he held that there was and could be no bar to any prisoner's prosecution under the Prison's Act.

There was a long discussion on this subject between him and the governor, Sir Henry Wheeler. Ultimately, the latter felt convinced of the correctness of Sinha's interpretation of the law. As a result, no prisoner during Sinha's term of office of more than five years was subjected to the punishment of flogging.

Sinha was also instrumental in introducing some other reforms in the jail administration of Bihar. He tried to so modify the conditions as to strengthen the 'human element' in it, as opposed to the purely 'criminal element', consistent with the conditions in the jails.

In this connection, it may be recalled that Sinha had fought valiantly before the Lothian Committee for the transfer of jails to popular control, mainly on the ground of ill-treatment of political prisoners. It was, indeed an extremely trying job for Sinha to introduce improvements in jail administration, in the face of the strong opposition and obstacles placed by hostile officials. This, he had to do while, at the same time, assuring the maintenance of order and discipline in the jails where there were a large number of new class of prisoners who were ever ready to defy jail rules and authority on the slightest pretext. But, say what the critics may, there is no denying the fact that Sinha did succeed in an appreciable measure in introducing improvements in the jail administration.

Return to Public Life

Sinha relinquished charge of his office as Executive Councillor some time in June 1926. He made over charge to his successor, Maharaja Keshav Prasad Singh of Dumraon, a few days earlier than the due date of retirement. It may be interesting to note that the earlier date was considered the most auspicious according to the Maharaja's astrologers. The Chief Secretary first took the view that the Maharaja's request should not be accepted as it would mean a loss of so many rupees and annas and pies to Sinha. Agreeing with the Chief Secretary, the Governor observed that, quite apart from the financial loss it would involve to Sinha, it would not be right to sanction a course which might be regarded as a precedent for some Indian members of Government thereafter to fix the date of assumption of their office on astrological grounds. When Sinha came to know of it, he readily expressed his willingness to comply with his successor's request.

Some days later, the European Manager of the Maharaja came to Sinha to convey the thanks of the Maharaja for his having acceded to his wishes. While doing so, the Manager suggested that his master would be glad if Sinha could accept from him the amount that he would lose by retiring a couple of days earlier. Sinha laughed at it, told him that, apart from the fact that it was not open to him to do so as a Member of the Government, he would not like to convert an act of courtesy into one of profit.

So, the Maharaja took over charge as Member of the Executive Council a few days earlier on the auspicious date fixed by his astrologers. Sinha returned to public life and resumed practice at the Bar on June 18, 1926.

Before his departure from Ranchi (the summer headquarters of the Government), where he was staying at the time, Sinha was entertained to a dinner by the Secretaries to the Government,

which testified to the happy and cordial relations that had subsisted between him and many British and Indian members of the Indian Civil Service. A formal and conventional dinner was given in his honour by the Governor who, while proposing his toast, spoke in eulogistic terms about his services as a Member of the Government.

At Patna, some leading men of the province had organised a public demonstration to mark his return to public life. The party, held on that occasion, was one of the biggest public functions ever held in Patna. A dinner, in which covers were laid for over 100 persons, was also held in his honour. The Acting Chief Justice, Sir Jwala Prasad, presided over this dinner gathering.

Next year, in May 1927, Sinha visited England to recuperate his health. He returned to India towards the end of the year, after having spent six months in various parts of Britain and the Continent.

LEADER OF THE OPPOSITION

In deference to the wishes of his friends, Sinha agreed to enter the Bihar and Orissa Legislative Council. He was elected unopposed from his home district of Shahabad in 1930. Later, he was elected twice to represent the Patna University in the Bihar Assembly in 1937 and 1946.

Except for the period when the Swarajists were there in the Legislative Council, the Government had no organised opposition to face. As a confirmed constitutionalist, Sinha was a firm believer in the value of an effective opposition in a parliamentary form of government. The system of nomination of a block of officials and non-officials by the Governor as members was wholly inconsistent with parliamentary government. It reduced democracy to a farce, since the official members of the nominated block were bound to vote with the Government, while the nominated non-official members also invariably did the same. That was an unfair handicap to the working of any parliamentary opposition in the legislatures of those days.

In the prevailing circumstances, Sinha regarded the existence

of an opposition, for whatever it might be worth, as a vital feature of parliamentary government. On his initiative, an opposition group was organised and he himself was elected its leader. He occupied this position till the introduction of the new reforms and the disappearance of the nominated block in 1936. This opposition party was known as the Constitutional Nationalist party.

For about six years, he worked as leader of the opposition, but he found the work as he often used to say, by no means congenial. In a truly parliamentary system of government, the leader of the opposition is often consulted privately by the head of the administration on important matters, even though his wishes and suggestions are not binding in any way. Such, however, was not the case at the time either in the Central or Provincial legislatures in India.

This was so because the majority of British members of the Indian Civil Service, as Sinha says in his autobiography*, “In spite of their high standard of ability, intelligence, and strong sense of public duty, and a desire to advance the welfare of the people committed to their charge, were wholly unimaginative and not able to see beyond the tips of their noses. Hence, their lack of sympathy with even the reasonable and legitimate aspirations of the cultured and enlightened sections of the politically-minded Indians, their disregard for the opinion of the educated classes and, in the result, the many serious errors that they were consistently falling into, with dire consequences to the smooth and successful working of the administration. In the circumstances, it would have been a wonder if I could have been able to get on with the executive in the legislature in matters of policy or on measures on which they and I naturally looked from different angles”.

Much of the routine work with which Sinha had to deal with in the legislature was of such limited importance, as not to attract attention outside the province. Yet, a reference may be made here to some of the important subjects in the discussions on which he had taken a prominent part as leader of the opposition.

One of them, to which he drew attention from year to year

* *Reminiscences of Long Life*, which Dr. Sinha could not complete, but a few chapters of which were published in the *Hindustan Review*

through cut motions, related to the administration of the Bettiah estate which had remained, for about 40 years or so, in the hands of the British members of the I.C.S. owing to the alleged unsound mental condition of the Maharani. All his efforts were, however, practically wasted, though his motions were carried year after year in spite of strong Government opposition.

Another important matter of a highly contentious nature that came up for discussion during this period was the Public Safety Bill which was naturally opposed by Sinha. Although the Government were able to get the Bill passed, Sinha's brilliant speech against it attracted considerable attention and made a deep impression upon the non-officials. He ended his speech with the following stirring peroration :

“Say what you will; do what you can; thwart it as you may; safeguard your powers, privileges and pelf as you may desire; throw what difficulties you can in the way of our constitutional progress; take what advantage you can of the yet unfortunate divisions in our ranks by playing one against the other; but remember the day of reckoning, foreshadowed in the never-to-be-forgotten lines of your own great poet :

‘Yet Freedom! yet thy banner torn but flying, Streams like the thunderstorms against the wind!’

But, perhaps the most important debate, in which Sinha took a leading part, was in March 1933, on the proposals outlined by Sir Samuel Hoare in what is known as the “White Paper on Indian Reforms.” It may be relevant here to narrate, in brief, the history of the “White Paper”.

Constitutional Reforms under the Government of India Act of 1919, popularly known as the Montagu-Chelmsford Reforms, were introduced in 1921 under very inauspicious circumstances, when the whole country was in a state of ferment as a result of the passing of the Rowlatt Act, which provided the executive with very wide and sweeping powers to deal with political agitation. It had roused widespread resentment throughout the country, and the strong agitation set up against it had led to the Jallianwala Bagh tragedy on April 13, 1919, in which hundreds of innocent persons

were killed and thousands wounded. This and the subsequent atrocities perpetrated, during the martial law regime in the Punjab, had engendered intense anti-British feeling. Together with other concomitant factors, this resulted in the launching of the Civil Disobedience and Non-cooperation movement under the leadership of Mahatma Gandhi.

The inherent defects in the Government of India Act, 1919, and the cruel repression of popular movements had caused extreme dissatisfaction ever since the introduction of the Montagu-Chelmsford Reforms. There was a resolution to that effect in the Central Legislative Assembly in the very first year of its existence. Though there was a provision in the government of India Act of 1919 for an enquiry into the working of the Reforms after the expiry of ten years from the passing of the Act, the three years of agitation for a substantial advance resulted in the appointment in 1924 of the Reforms Enquiry Committee, better known as the Muddiman Committee. Its Chairman, Sir Alexander Muddiman, was then the Home Member of the Government of India. The other members of the Committee were Sir Mohammad Shafi, Maharaja Sir Bijaychand Mahatab Bahadur Burdwan, Sir Tej Bahadur Sapru, Sir Arthur Froom, Sir P. S. Sivaswamy Iyer, Sir Henry Moncrieff Smith, Dr. R.P. Paranjpye and M.A. Jinnah. Pandit Motilal Nehru had refused the invitation to serve on this Committee on the ground that no enquiry within the limited terms of reference laid down for it could yield any satisfactory result.

The report of this Committee, which was not unanimous, was signed on December 3, 1924. The minority report was signed by Sir Tej Bahadur Sapru, M.A. Jinnah, Sir Sivaswamy Iyer and Dr. R. P. Paranjpye. The majority report was signed by the rest of the members, who had recommended only some minor changes in the Act of 1919 which, they thought, would serve the needs of the time. The members signing the minority report, however, were of the view that no changes within the framework of the Act would be adequate to satisfy public opinion. They, therefore, recommended that a Royal Commission, or any other authoritative body, with wider terms of reference and a larger scope of enquiry, should be appointed to consider and suggest wholesale revision of the Act,

in order to replace it by a constitution with provision for its automatic revision. The two reports were published in March 1925, after which a resolution was moved in the Imperial Legislative Assembly, on behalf of the Government of India, in September 1925, for the acceptance of the recommendations of the majority report. Pandit Motilal Nehru thereupon moved an amendment, which came to be known as the "National Demand". It was carried by an overwhelming majority, having received the support of almost all the political parties. Panditji had subjected the system of Dyarchy to a scathing criticism and condemned it as wholly unworkable.

Lord Reading, the Viceroy and Governor-General, was opposed to the appointment of a Royal Commission, mainly on the ground that the time was not ripe for the appointment of such a commission. At the same time, it was said that he was not averse to summoning a Round Table Conference, if the situation so demanded.

Lord Reading was succeeded by Lord Irwin in 1926. Surprisingly enough, about a year later (March 1927), Lord Birkenhead, the Secretary of State for India, announced the decision of His majesty's Government to appoint a Statutory Commission in advance of the due date. According to Section 84 of the Government of India Act, 1919 a Statutory Commission was to be appointed on the expiration of 10 years of the passing of the Act, i.e., in 1929. But it was actually appointed two years before that date.

SIMON COMMISSION

By a special Act of Parliament, a Statutory Commission, popularly known as the Simon Commission, was appointed. Special care was taken to exclude Indians altogether from this Commission. This was, in the words of Sinha, "not only highly arbitrary and grossly unfair to the inherent rights of the people, but it was also an arrogant assertion of British imperialism, and an absolute negation of India's right to take a prominent part and assist materially in the framing of her own constitution".

The deliberate exclusion of Indians from the Commission,

Sinha hoped, might prove to be the soul of goodness in things evil and restore the lost political unity by coalesce into one compact body, one solid phalanx, of the various political parties and communal factions.

As events later showed, Sinha was not far wrong in this observation and his hope had largely been realised. India's answer to this affront was a well-organised, wholesale boycott of the Commission and hostile demonstrations at every place visited by them.

The report of the Commission was published in May 1930. We need not go into the details of the recommendations. Suffice it to say that, as was expected, it proved to be a singularly disappointing document which, in the words of that moderate of moderates, Sir Sivaswamy Iyer, was "fit to be thrown on the scrap heap". On October 16, 1929, Sir John Simon had written to the Prime Minister, Ramsay MacDonald, suggesting that, after the publication of the report of the Commission, a conference should be held between the representatives of His Majesty's Government and the representatives of British India and the Indian States "for the purpose of seeking the greatest possible measure of agreement for the final proposals which it would be the duty of His Majesty's Government to submit to Parliament"*. Accepting this suggestion, Ramsay MacDonald announced on October 31, 1929, through the Viceroy, Lord Irwin, that after the submission of reports by the Simon Commission and the Indian Central Committee (appointed by the government of India to work with the Commission), and consideration by His majesty's Government, in consultation with the Government of India, they would invite representatives of British India and the Indian States to meet them separately or together at a conference to discuss the India constitutional problems. Three such conferences were held between 1930 and 1932. The first conference was held in 1930, at which various shades of opinions and diverse interests in British India and the Indian States were represented. The Congress had boycotted the conference. The second conference was held in 1931. This time, the Congress was represented by its supreme leader Mahatma Gandhi.

* *The Transfer of Power in India* by V.P. Menon, Page 38.

The Labour Government had, by this time, been replaced by a national coalition government. Ramsay MacDonald had continued to be its nominal head, but the dominant factor in it was the Conservative party. The Secretary of State for India, Wedgwood Benn, had been replaced by Sir Samuel Hoare (later Viscount Templewood). In India, Lord Irwin had been replaced as Viceroy by Lord Willingdon, who never failed to display his antipathy towards the Congress in general and Gandhiji in particular. No wonder, in such an atmosphere, the Second Round Table Conference proved to be more disappointing than the first, and eventually broke down on the communal representation issue.

Gandhiji tried his best to find a suitable solution of the problem, but after protracted negotiations, he had to admit with "deep sorrow and deeper humiliation" his utter failure to secure an agreed solution.

COMMUNAL AWARD

Thus, the initiative of finding a solution to the problem had passed from the hands of the Conference to His Majesty's Government, on whose behalf the British Prime Minister published his "Communal Award". "It was a misnomer to call it so, for an award presupposes arbitration, and arbitration is a process voluntarily resorted to by free and equal parties. In this case, it may be claimed that the contending parties were the Hindus, the Muslims, the Sikhs and other communities, and that since at the Round Table Conference they could not arrive at an agreement, it became necessary for the British Government to give a decision. But that is a very different thing from an award, for there was no voluntary submission of the dispute to the Prime Minister".*

The Prime Minister, however, announced his so-called "Award" on April 16, 1932. The "Award" related to the provincial legislatures. "It accorded separate electorates for Muslims, Europeans, sikhs, Indian Christians and Anglo-Indians. Seats were reserved for Marathas in certain selected constituencies in Bombay. The Depressed Classes were given seats which were to be filled by election from special constituencies in which they alone could vote,

though they were entitled to vote also in general constituencies. A number of seats, also communally divided, were allotted to women. Special seats were allotted to labour, commerce, industry, mining and planting and land-holders". Commenting on this "Award", Sinha, in a press statement, said that it was meant to give "a death blow to the smooth working of responsible and democratic government in the country; and is likely to install in its place either communal or combined groups' government, the result of which, in the long run, is bound to be disastrous and to accentuate the already disruptive factors in the country, to intensify the working of the centrifugal elements in our public life, to thwart and ultimately suppress the present, rather weak, centripetal forces, and to divert the proposed constitution from that of the responsible type to one which will be just the reverse of it by reason of its evoking an anti-national spirit in the administration".

This dismemberment of the body-politic into so many religious, racial and economic factors, was, in the opinion of Sinha, "obviously a system which was not only anti-national but anti-rational as well". It did not rest on any sound principle and, from the nationalist point of view, was as bad as it could be. As such, he felt that no political reform could be of any value which sought to emphasise and perpetuate the religious, social and economic divisions, since "the one inevitable result of it is bound to be bitterness, acerbity and strife amongst various groups and sections, a state of affairs which must render the work of administration extremely difficult, if not impossible".

It may be pertinent here to recall that the attempt in the Award to cut off the depressed classes from the main body of the Hindus by means of separate electorates led Mahatma Gandhi to undertake 'the epic fast' on September 20, 1932. He was in jail at that time. As a result of his fast, an agreement was reached on September 24, 1932, between Pandit Madan Mohan Malaviya, C. Rajagopalachari, Dr. Rajendra Prasad, Sardar Patel, Mrs. Naidu and others on one side and Dr. Ambedkar and Mr. M.C. Rajah on the other. It was later accepted by the British Government also. Known as the Poona Pact, this agreement recommended a joint

* *India's Constitution at Work* by C.Y. Chintamani and M. R. Masani, Pages 70-71.

electorate for the Scheduled Castes and the Hindus, but seats were to be reserved for the Scheduled Castes people out of the general Hindu (or non-Mohammedan) seats in the provincial legislatures. Gandhiji broke his fast on September 26, 1932.

The third and last session of the Round Table Conference was held in November 1932. It was attended by only 46 delegates. None of the important Princes was present, nor was the Congress represented.

As a result of the decisions taken by the Government in the light of the discussions at the three Round Table Conferences, a White Paper, setting forth the proposals of His Majesty's Government for Indian constitutional reform to replace the Montagu-Chelmsford constitution, then in operation, was published in March 1933.

WHITE PAPER

This White Paper was so reactionary a document and found so little acceptance with the politically-minded Indians that its publication created a great sensation throughout the country. The government of Bihar and Orissa was the first provincial Government to allot a day for the discussion of the scheme set forth in the White Paper in the Legislative Council. The debate took place on March 22, 1933, only two days after the publication of the document.

Sinha moved the following amendment to the official resolution:

“The Scheme propounded by His Majesty's Government is, on the whole, unsatisfactory, confers but little power on the people of the province, is hedged in by numerous limitations, is opposed to the interest of India, indicates sweeping changes in the present and prospective system of administration in India, and the scheme needs substantial modifications.”

In a long speech on the subject, Sinha, strongly criticised the White Paper proposals in detail and observed that the system proposed to be introduced would “perpetuate British domination

in the country, enthrone pure and unadulterated autocracy, and render the people far more helpless to resist the despotism of the new Government than they are even at present.... It is a scheme which betrayed lamentable distrust of Indian capacity and character in relation to political freedom". Quoting from Macaulay*, Sinha reiterated the truism that there was "one cure for the evils which freedom produces and that cure is freedom", and recalled the memorable words of Mr. Gladstone: "It is liberty alone which fits men for liberty." Concluding his speech, Sinha emphatically declared that the White Paper Scheme "far from bringing in its train any political appeasement or any general satisfaction and contentment, will aggravate the already difficult situation in the country, intensify discontent and widespread struggle for freedom, deepen serious unrest, beget bitterness for strife and generate acerbity and illwill even where they do not exist at present". He warned the British Government that while they were still "cogitating, pausing, hesitating, concocting and soliloquosing to give or not to give :

"The Moving Finger writes; and having writ,
Moves On : nor will all thy piety nor wit
Shall lure it back to cancel half a line,
Nor all thy tears wash out a word of it".

Sinha never minced matters and always spoke out unequivocally in clear and eloquent words what he felt to be just and right in the discharge of his public duties. Ultimately, the amendment moved by him was carried in the Council, the officials refraining from voting.

Earlier, in October, 1932, Sinha was invited by the Viceroy to attend the Third Round Table Conference, which met in London in November of the year. But he could not accept the invitation, firstly, because of ill-health and, secondly, he felt, after reading the reports of the first and the second Round Table Conferences, that he would not be able to do any good to the country by attending the third conference. A perusal of the scheme of reforms, as

* No people are to be free till they are fit to use their freedom is a maxim worthy of the fool who resolved not to go into water till he has learnt to swim, for if men are to wait for liberty till they become wise and good in slavery, they may indeed wait for ever."

elaborated at the three Round Table Conferences and outlined subsequently in the White Paper, left no doubt in his mind that he had acted wisely in not associating himself with it.

DYARCHY

We may here leave the story of the White Paper for a while to say something about the system of Dyarchy which was in operation at the time the White Paper proposals were formulated. Ever since the introduction of the Montagu-Chelmsford Reforms, which brought Dyarchy into existence, Sinha had strongly held the view that the new system would not only be unworkable in practice, but would also fail to achieve its objective either from the administrative or political angle. He had expressly told Curtis, the author of the new system, about his view when the latter was going around the country, explaining and trying to win support for it.

Under this new system, the provincial administration was divided into two halves, called the 'Reserved' and the 'Transferred'. The former was administered by the Governor and the members of his Executive Council, who like the Governor himself, were appointed by the King and who, as such, were responsible to the King-in-Parliament. The latter was administered by the Governor with his Ministry, the members of which were chosen by the Governor from among the elected members of the provincial legislature. In theory, they were responsible to that body. The Reserved half, generally speaking, was in charge of law and order, finance, land revenue, justice, irrigation, jail, recruitment and conduct of the executive and judicial services, etc. The Transferred half, broadly speaking, administered what were generally called the nation-building departments—education, agriculture, local self-government, industries and excise departments, etc.

Sinha had the opportunity of seeing from within the working of Dyarchy in a major province like Bihar and Orissa for a period of more than five years. He had worked as President of the Legislative Council, as well as Finance Member during the term of office of four Governors. His earlier views on the system were fully confirmed by actual experience that he had gathered at its

working. He never missed any opportunity of exposing the inherent defects of the system. Such an opportunity first came to him in July 1924, when the Provincial Governments were asked by the Government of India to give their opinion on the working of the Montagu-Chelmsford Reforms during the first three years (1921-23) of their operation. Sinha wrote a separate note on the subject, which was appended to the despatch of Bihar's Governor-in-Council. It was not one of dissent, but was meant to supplement, from the Indian point of view, the observations of his other colleagues on the Reserved side.

In 1926, the Governor-in-Council submitted another report on the working of Dyarchy in Bihar and Orissa during the years 1923 to 1926. By that time, Sinha's term as Member of the Executive Council had expired and so he could not append any dissenting or supplementary note to that report. But at the request of K.C. Roy of the Associated Press of India (now merged in the Press Trust of India), he issued a fairly long and critical statement which received wide publicity in the press and attracted considerable attention throughout the country. He had dealt with the subject in a broad way and his observations, therefore, applied as much to other provinces.

The first report of the Government of Bihar and Orissa, to which he himself had contributed, was an almost impartial survey of the working of the Montagu-Chelmsford Reforms during the first three years of its operation. The second report, as Sinha conclusively showed in his press statement, was vitiated not only by wrong conclusions but also by presentation of incorrect data which was obviously reprehensible. On a careful consideration of that report, he had come to the conclusion that the State Government's document had been prepared, evidently, with the ulterior motive of prejudicing the case for further reform which was then under consideration.

Sinha had prepared a fairly long paper on "Dyarchy in Theory and Practice". He read it at the East India Association London, on October 3, 1927. In this paper, he had conclusively shown that Dyarchy had few merits, if any, while its demerits were unfortunately so numerous as to render it unworkable and practically

useless as a means of qualifying Indians to fit them “for gradual development of self-governing institutions with a view to the progressive realisation of responsible government in British India as an integral part of the Empire”, which was the *raisond’être* of the Reform Act of 1919.

In this paper, as also in his earlier notes and statements, Sinha had discussed at length the actual working of this novel type of “Hybrid system”. Quoting some authoritative opinions on the subject, he sought to prove that it was not only “too complex and complicated, but one which was unknown to constitutional history and was naturally unwarranted by political experience as a satisfactory solution of the problem of an efficient executive, sufficiently amenable to control of popular representatives.” He had strongly advocated that the Act of 1919 should be completely scrapped and all departments transferred to popular ministers and full provincial autonomy introduced. He had maintained, consistently and persistently in all his speeches and writings on the subject, that Dyarchy was “a shadow without substance and unless something was done very soon to re-place it by a constitution granting immediate autonomy to the provinces and providing for automatic growth and consequent expansion leading to India’s status as a Dominion in British Commonwealth of Nations, India would gain her freedom as Ireland had done, and, in spite of her wish to remain within the Empire, might choose to go out of it”. To utter such ideas of revolutionary character in those days required unusual courage: Sinha had enough courage of conviction to speak out without mincing words what he felt so strongly about.

Sinha’s paper read before the East India Association, London, was listened to with great attention and it appeared to have made an impression even on those unsympathetic European officials who had either retired after serving in India or who were on leave from their posts in India. The discussion on Sinha’s paper was opened by Maharajadhiraj Sir Bijoy Chand Mahatab Bahadur of Burdwan, who himself had served as a member of the Bengal Government, both before and after the introduction of Dyarchy. Although he did not agree with Sinha on some minor points, he gave support to his main contention that Dyarchy was wholly an unsound and

unscientific system of administration. He too felt that it deserved to be immediately replaced by complete provincial autonomy with a strong constitutional Governor, guided by a ministry wholly responsible to the provincial legislature. Perhaps, the audience was not prepared for this kind of support from the Maharajadhiraj. The meeting was then forthwith adjourned to another day for further discussion on the paper.

This adjourned meeting was held only after Sinha had left London for India and thus the field was made clear for the supporters of Dyarchy to freely criticise and denounce the paper. After the receipt of report of the discussions held in his absence, Sinha prepared a crushing reply, the full text of which was circulated by him among the press and the public. It was also published in the journal of the East India Association, but in a truncated form, because, it was said, it had exceeded the prescribed limit of one thousand words. The reply, however, had aroused considerable interest throughout the country. Even Gandhiji, in a letter to Sinha, had said that he had "read the address and found it both instructive and interesting" and that there were "things in it which are quite new to me". Other comments and observations, made by persons competent to judge its worth, had unanimously acclaimed the paper* as one in which arguments had been marshalled with great force and clarity.

JOINT PARLIAMENTARY COMMITTEE

Now, to resume the story of the White Paper, it was made clear at the time of its publication that the proposals contained therein would be referred to a Joint Parliamentary Committee; and after they had been considered and reported upon, a Bill embodying the final plan would be introduced in Parliament.

Accordingly, in April 1933, the White Paper proposals in particular, and the question of Indian constitutional reforms in general, were submitted to a Joint Parliamentary Committee for consideration, examination and report. This Committee was com-

* The full text of the paper is printed in the collection of Sinha's Speeches and Writing published by Messrs Ram Narain Lal & Sons, Allahabad.

posed of 32 members—sixteen from the House of Commons and an equal number from the House of Lords. Of these, twenty-five belonged to the Conservative Party, four to the Labour Party and three to the Liberal Party.

Some prominent Indians were also associated with the Committee during the examination of witness, but they were not entitled to take any part in its deliberations. Two of them—Sir Tej Bahadur Sapru and His Royal Highness the Aga Khan—had, however, submitted two separate memoranda for the consideration of the Committee.

The Committee held as many as 159 meetings at which they examined a large number of witnesses, both from Britain and India. Sinha happened to be in England during the summer of 1933 when the Committee was holding its enquires. On receiving an invitation from it, he appeared as a witness, and was cross-examined at length on the memorandum he had submitted earlier, setting forth his views on the scheme, as also the essential demands of nationalist India.

The decisions of the British Government, as embodied in the White Paper, or the report of the proceedings of the Joint Parliamentary Committee or the provisions of the Bill introduced by Sir Samuel Hoare in Parliament, are at present of no more than mere historical or academic importance. However, the reader will find a good deal of interest in them, for they give one an idea of how our leaders of those days, with their faith in constitutional agitation, had fought every inch of the ground in the face of tremendous odds and disappointment to wrest as much power from the unwilling hands of British imperialists as was possible in the given circumstances. Sinha too belonged to that band of Indian nationalists. By his writings and speeches, he did a lot to help the advancement of Indian constitutional reforms.

SINHA'S MEMORANDUM

The memorandum submitted by him to the Joint Parliamentary Committee, or the speeches made by him in the Bihar Legislative Council on the subject, contain not only a masterly critical estimate of the White Paper proposals, but some very sound suggestions

also, based on the minimum demand of nationalist India, for the amendment of those proposals.

Both in his speeches and in his evidence before the Joint Parliamentary Committee, Sinha had pointed out that, significantly enough, there was absolutely no reference in the proposals to Dominion Status for India even as a remote ideal. It appeared to him that this omission was deliberate and was but one more example of Lord Lytton's famous description of the British Government's settled policy towards India—namely “of breaking to the heart the words of promise they uttered to the ear”.

Sir Samuel's Bill had contemplated a Federation of Indian States. Sinha's suggestion in this connection was to remove the indefinite nature and uncertainty about its inauguration by fixing a period of one year for the Indian States to come into it. Power, however, could be reserved to the Crown to extend the date by one more year, if the requisite conditions were not fulfilled. Further, in his view, the establishment of the Federation was not to be made dependent upon the presentation of an address by the two Houses of Parliament praying for the issue of a proclamation to that effect.

He also wanted provision to be made for automatic growth, that is, a special machinery for the removal of safeguards and reservations within a definite period of time, leading to Dominion Status for India in the British Commonwealth of Nations. He stressed that this should be declared in clear and unequivocal terms in the preamble of the Bill as the definite goal.

He did not favour the idea of vesting in the Governors the power of promulgating ordinances; this power should be given only to the Governor-General. He also advocated that the Fundamental Rights of the people should be embodied in the proposed Act itself.

Sinha did not like that the office of the Chief Justice of the Federal Court or Supreme Court, or of the High Court should even temporarily be held by a member of the Indian Civil Service; it should be open only to those who had practised at the Bar.

He advocated the extension of women's franchise and the transference of the powers of the Secretary of State in respect of the Public Services to the Governor-General, assisted by a Public Service Commission, the chairman and members of which

should be appointed by the Governor-General. In other words, what he advocated was that the recruitment of members of the services should in future be in the hands of the Governor-General, in respect of offices in the Government of India, and in the hands of the Governors in respect of offices under the Provincial Governments. The ultimate aim in this suggestion was to transfer the right of recruitment to the provinces in order to give the ministers complete control over the officers serving under them. Sinha agreed with the warning of Dr. Ambedkar that if the White Paper proposals regarding the services were enacted, then the process of adapting the conditions of Civil Services to the responsible system of government would be arrested.

GOVERNOR'S SPECIAL POWERS

Sinha regarded it as inexpedient to vest in the Governor what might be called extraordinary powers in respect of their special responsibilities. In his view, any relief in the matter of commercial discrimination should be had by the claimant only in courts—Federal or other higher tribunals; it was wholly undesirable and inexpedient to mix up the head of the executive with any such controversies. He wanted that legislation of a discriminatory character should be challengeable only in the Federal Court.

Sinha was against any proposal for vesting in the Governor any legislative authority or power to arrest the progress of Bills during their passage in the legislature. It was his view that no such proposal should find a place in any scheme of provincial autonomy.

In reply to a question, in the course of his examination before the Joint Parliamentary Committee, Sinha said that the powers proposed in the White Paper to be vested in the Governor-General or the Governor were larger than those enjoyed by them in the scheme of things in operation, and he felt that those powers could be exercised by them in a way that might prove more oppressive to the people than had till then been the case.

Joint Responsibility

Sinha had strongly advocated the establishment of joint respon-

sibility in the Cabinet. He was almost sure that, on the establishment of joint responsibility, the party system would automatically be evolved. In reply to C. R. Attlee, he informed the Committee that under the prevailing system of Dyarchy, no governor of Bihar and Orissa had ever recognised joint responsibility; they had always dealt with each Minister separately, with the result that whenever he so desired, he could easily overrule the Ministers. He asserted that Indian public men generally possessed an adequate sense of responsibility and would not fail to discharge it properly when responsibility was placed on them.

Self-government in Fair Measure

Sinha had pleaded in his memorandum for the modification and extension of the White Paper proposals; he was not for their wholesale rejection. He wanted to achieve if not a full measure of self-government, at least a fair measure of it. Asked by Sir Joseph Null to clarify as to what he exactly meant by it, he said that the least that he would expect was that in the provinces the Governor should be a constitutional head, acting solely upon the advice of the ministry; and in the Central Government, except one or two departments which might be reserved for some time, the Governor-General also should follow the advice of the ministers. That would be, in his view, a fair measure of self-government which India wanted at that time. But, if Parliament was not prepared to go beyond the White Paper proposals, he would prefer to retain the then prevailing system rather than have the proposals of the White Paper.

Further, in reply to Morgan Jones' question, Sinha said that there was a large section of people among the politically-minded classes who took the view that there was nothing to choose between the White Paper proposals and the condition of affairs as it would be without those proposals. In fact, he even said, in reply to Cock's question, that in many respects, *e.g.* in the matter of control exercised by the Government of India or the Provincial Governments, etc., upon the people, the proposals outlined in the White Paper would make the position appreciably worse.

Indianisation of Army

Other suggestions made by Sinha for the modification of the White Paper proposals related to the expeditions Indianisation of the Army which, he thought, should be made the statutory obligation of the Governor-General. He wanted the proposal regarding "excluded and partially-excluded areas", to be abandoned. This was because the aboriginal tracts of Chhota Nagpur and the Santhal Parganas were proposed to be declared partially excluded areas which would, he felt, cause great hardship by imposing serious disabilities on the people, while the administration of those areas would also deteriorate.

Second Chamber in Provinces

Sinha strongly advocated the deletion of the provision regarding bicameral legislatures in Bihar, Bengal, U.P., Bombay, Madras and Assam. This question had formed the subject of a full-dress debate in the Bihar and Orissa Legislative Council (on January 18, 1933) a couple of months before the publication of the White Paper. As many as 69 members had taken part in that debate. The elected non-official Indian members were equally divided—thirty voting for the proposal and thirty against it. The resolution in favour of having a second chamber in the provinces was, however, carried with the help of the votes of six nominated non-officials, one ex-officio Indian member and two elected European members.

Speaking in opposition to the proposal, Sachchidananda Sinha, at the very outset, made it clear that any reference to the constitutions of various Western countries, which provided for bicameral legislatures, had no relevance or application, because those states, which formed the federal union, were sovereign bodies, and not subordinate governments. Then again, the system of government obtaining in America, he pointed out, was not parliamentary but presidential, in which the President and the Governors of the States were all chosen by election; as such, they were not responsible to the legislature but to the people who chose them—the voters. But it was beyond the imagination of the Bihar and Orissa Legislative Council to think of choosing their Governor by election.

Referring to the arguments advanced by the advocates of a second chamber that the zamindars, who were in a minority, had got certain right which required to be protected, Sinha said that he believed that the establishment of a second chamber in the Provinces would lead to a class-war on an extensive scale between the zamindars, the tenants and the educated classes. So long as the zamindars depended upon the protection of either the Government or the second chamber, they would really never be able to succeed in the battle of life. As regards the zamindars being in a minority, Sinha submitted that the minority, in his opinion, did not mean "an interest". If one were to proceed on these lines, then each caste and sub-caste, and each class or section here would be entitled to ask for special protection. In his view, the apprehension that existed in the minds of the public that by the establishment of a second chamber, an effort was being made to bolster up the interests of a particular class against the interest of the tenantry and the educated classes was fully justified. He doubted that even that object would be achieved, since the second chamber would have no powers of initiation or appeal or veto; at best, it could only delay matters.

Sinha quoted relevant passages from the Montagu-Chelmsford Report, the Memorandum of the Bihar and Orissa Government and the Report of the Central Committee of the Government of India (which was associated with the Simon Commission) and other important document in support of his contention that the introduction of the second chamber would never be in the interest of the zamindars, nor of the people at large, because there was the danger that measures beneficial to the masses might be impeded or delayed, and that might lead to aggravation of public discontent.

Sinha did not agree with the suggestion of Sir Hubert Carr (member of the Joint Parliamentary Committee) that, at a time when suffrage was being largely extended in a country where the majority of electors were illiterate, it would be desirable to create a body representing experience and expert knowledge to act as a stabilising factor; it would not compete for power with the Lower House, but be able to revise or delay legislation for a short period.

He informed the Joint Parliamentary Committee that the proposal for a second chamber in Bihar had met with strong opposition even from the zamindars themselves who had gone in deputation to the Governor for representing to that effect. In brief, Sinha considered the second chamber a "useless luxury".

DEBATE ON J.P.C. REPORT

The report of the Joint Parliamentary Committee was published on November 22, 1933. A debate on the report was held in the Bihar Legislative Council in January 1934 on the motion of the Finance Member. An amendment that the following be added to the motion was moved by Sinha :

"And having considered the scheme, recommended to Parliament by the Joint Parliamentary Committee, the Council is of opinion that, taking the said scheme as a whole, it is highly unsatisfactory, is grossly inadequate to meet popular aspirations, is hedged round by unnecessary and undesirable safeguards, betraying a deep distrust of Indian capacity and character, and, above all, proposed to introduce drastic changes in the composition and constitution of the higher judiciary which are calculated to shake the confidence of the public in judicial administration; and the scheme is, therefore, not likely to evoke goodwill in its working on the part of His Majesty's Indian subjects."

An almost similar amendment moved by Sinha had been adopted unanimously by the Council earlier, in March 1933, during the debate on the White Paper itself. At that time, it was suggested that the proposals contained in the White Paper need substantial modification for the reasons given in the amendment. The position had remained the same or had been made even worse, Sinha contended, after the publication of the Joint Parliamentary Committee's Report Quoting extensively from the observations of the Labour members of the Committee like Major Attlee, Morgen Jones and Cock, as also from the observations of Prof. Keith, Lord Snell and the Maharajadhiraj of Darbhanga, Sinha conclusively showed that, due to the modifications suggested by the Parliamentary Committee, the White Paper proposals had been "stiffened,

truncated and conservatised". The majority report of the Committee, he pointed out, "has imitated the bad example set in the White Paper scheme, of not even using anywhere the term Dominion Status in relation to India's political ideal even, so to say, by mistake", although Lord Irwin, with the express approval of His Majesty's Government, had, in his famous declaration of October 1929, categorically stated that Dominion Status was implicit in Montagu's Declaration of August 1917, which was embodied in the Preamble of the Government of India Act, 1919, and which was later reiterated by the Prime Minister of England, Ramsay MacDonald, at the conclusion of the First Round Table Conference.

Sinha further contended that the majority Report had failed lamentably to meet even the moderate Indian views that the sentiment of suspicion and lack of trust ran like a sinister view throughout the Report; that the goodwill of the Indian people had been sacrificed to the mummified prejudices of the British Conservative Party; and that the scheme propounded therein was wholly "goalless and soulless". The only conclusion or the lesson that one could derive from the perusal of the Report, according to Sinha, was the "unimpeachable truth that nations by themselves are made, that self-government is not to be had and cannot be had as a concession or gift from the British Parliament, but it has to be achieved by the Indians themselves by their own united effort." He quoted the following lines of Wordsworth which embody the above lesson:

'Tis well! from this day forward we shall know,
That in ourselves our safety must be sought,
That by our own right hands it must be wrought,
That we must stand unpropped or be laid low
O! dastard, whom such foretaste doth not cheer!'

Thanks to the disillusionment that came to her in time, India did at last achieve her freedom by her own hands under the guidance and inspiration of that supreme leader and Father of the Nation—Mahatma Gandhi.

ABOLITION OF COMMISSIONERS

The proposal to abolish the posts of Commissioners in the States is another matter about which people had agitated for a long time. In the course of a well reasoned and informative speech, delivered in the Bihar Legislative Council on March 13, 1931, Sinha made out a strong case in favour of the proposition that the balance of advantage lay in the abolition of that office in the interest of administrative economy. It is indeed an irony that, in spite of all the strong arguments advanced from time to time in favour of the abolition of this office, the Commissioners continue to exist even today and are allowed to carry on merrily by the very persons who had been agitating for it.

CRIMINAL TRIBES ACT

In November 1932, the Government of Bihar had issued a notification mentioning 45 persons, who were said to be political offenders, and declaring them to be members of a group called "Jogendra Shukul's Gang", which was to be treated as a criminal tribe under the provisions of the Criminal Tribes act. Of these 45 persons, about thirty had at that time been serving their terms of imprisonment either in the Andamans or in different jails within the country; about ten of them had been tried and acquitted of the crimes imputed to them, and only one had not even been proceeded against. Yet, all of them had been declared by an omnibus notification to be members of a "criminal tribe" for the purpose of the said Act.

Sinha had raised his voice of strong protest against this notification in the course of a press statement. He had given notice of his intention to raise this question in the Council by means of a budget motion. Unfortunately, it did not come up. He had conclusively shown that the Criminal Tribes Act was not at all meant for this purpose and that this act of the Government of Bihar was wholly unwarranted.

The important point that he emphasised in this connection was that such a notification could be issued only if (a) there was a

‘gang’ or class of persons, and (b) that gang was addicted to the systematic commission of non-bailable offences. Now, the case that Sinha made out was that “a mere aggregate of persons” did not constitute a ‘gang’. A ‘class’ or ‘gang’, is a section of public, having a definite connotation, common to all its members, with distinctive characteristics to be found in each and every member of the class, which were not to be found in those of any other class or gang. It was obvious that in the case of the persons named in the notification, there was nothing distinctive about them which might be called a common characteristic of a gang. Secondly, this ‘gang’ could not be said to be addicted to the systematic commissions of non-bailable offences; there was no proof of it at all. Thirdly, under the Act, the Government had the power only to declare any tribe, gang or a class of persons, as a criminal tribe, but not to specify their names, which had been rightly left to the District Magistrate before whom the proceedings were required to be of a judicial character. His decision in the matter was subject to revision by higher courts. Thus, by mentioning the names of the members of the gang, Sinha contended, the Government had clearly usurped the judicial function of the District Magistrate. Further, with reference to the proceedings of the Imperial Legislative Council during 1910-11, when he himself was also a member of that Council, he conclusively showed that the issue of notification was wholly wrong and unjustifiable. He quoted the Home Member who had said: “Where societies are formed, consisting of people of many different classes, with many different religions, it is impossible to reduce all of them to any common denominator, and for that reason it is quite impossible, even if we wished, to provide for such a thing that an Act of such a nature should apply to secret societies and, therefore, there should be no misapprehension on that account”.

SINHA AND THE CONGRESS

The association of Sachchidananda Sinha with the Indian National Congress commenced as early as December 1888, when he was still a student. He had attended its fourth session at

Allahabad as a visitor. It was only in 1896 that he joined the Calcutta session of the Congress as a delegate from Allahabad where he had settled down after getting himself enrolled in the High Court as an advocate. Ever since, he had attended almost every Congress session till 1919, and had taken an active part in the Home Rule Movement of 1916-17. For a number of years, he was a member of the All India Congress Committee as representative either of the United Provinces of Agra and Oudh or of Bihar.

In 1899, he made his first appearance on the platform of the Congress. At the 15th session of the Congress at Lucknow, he spoke in support of the resolution (moved by Ambika Charan Majumdar) on the separation of the judiciary from the Executive. This demand had become a sort of hardly annual ever since the second Congress session in 1886.

Next year (in 1900), Sinha himself moved this resolution at the 16th session of the Congress at Lahore. In both his speeches, he had emphasised that for the better administration of justice in the country, its separation from the executive function was the most urgent need, because instances of gross miscarriage of justice had been taking place too frequently on account of the combination of these two functions in the same official. He felt that the system was more to blame than the officials who had to work under it.

At the seventeenth session of the Congress at Calcutta, in 1901, Sinha moved the resolution on Police Reform which was then under the consideration of the Government of India. He stressed that no satisfactory reform could be effected unless the higher ranks of the police were recruited in larger number from among educated Indians. Sinha argued that they would be conversant with the language and habits, thoughts and the life of their subordinates and would, therefore, be in a better position to exercise effective control over them. For this purpose, he proposed that the competitive examination for recruitment to the provisional branch of the Police Service should be thrown open to Indians, instead of being confined only of candidates of British descent, as was then the case. He further advocated that the pay and prospects of the subordinate ranks of the police should be substantially

improved so as to render the service more attractive to the better class of the educated Indian community. Such a step, he felt, would contribute to the efficiency and integrity of the police.

In 1902, at the Ahmedabad session of the Congress. Sinha was again chosen to move the resolution on the same subject. This time, he laid particular stress on the inadequacy of the representation of capable, independent and experienced Indian on the Police Commission which was collecting evidence with a view to suggesting measures for the reform of the Police. Sinha had appropriately pointed out that of the two non-officials on the Commission, one was "a C.I.E., always speaking to please Englishmen, and the other a Maharaja, as yet untried". He contented that unless the grievances and the view-points of the people were properly placed before the Commission, there was no possibility of any real reforms being introduced in the police administration.

At the twentieth session of the Congress, held in Bombay in 1904, Sinha moved the resolution strongly supporting the candidature for membership of the British Parliament of Dadabhai Naoroji from North Lambeth, Sir Henry Cotton from Nottingham and Sir John Jardine from Roxburghshire, and appealing to the electors of these constituencies to return them to Parliament in the interest of India.

In this connection, he also supported another resolution in the same session for sending a deputation of "trustworthy and representative Indians nominated by different provinces" to England on the eve of the General Elections of 1905. The purpose was to place the claims of Indians before the electors, and to raise a fund of not less than Rs. 30,000 for this purpose.

The "Police Reforms" resolution was once again entrusted to Sinha at the twenty-first session of the Congress, held at Banaras in 1905 under the presidency of G. K. Gokhale. He bitterly complained that the Police Commission had sorely disappointed the Indians inasmuch as adequate measures had not been adopted to improve materially the efficiency and the honesty of the police. He also denounced the constitution of a Special Police Service from which Indians were to be excluded. He reiterated the Congress demand that the Competitive examination for the recruitment

of higher police officers should be held both in England and in India and should be thrown open also to educated Indians.

In 1910, at the twenty-fifth session of the Congress held at Allahabad under the presidentship of Sir William Wedderburn, Sinha moved the resolution demanding that the Law Member of Viceroy's Executive Council may be chosen from amongst Advocates, Vakils and Attorney-at-law of the Indian High Courts also, instead of restricting the choice to the members of the English Bar. In the same session, he pleaded for the establishment of Governor's Executive Councils in the United Provinces of Agra and Oudh and in the Punjab.

MEMBER OF CONGRESS DEPUTATION

Sinha was one of the members of the Congress deputation which visited England in 1914, of which the leader was Bhupendranath Basu, and, among its other members were M. A. Jinnah, Lala Lajpat Rai, Rao Bahadur Narasimha Sharma and M. N. Samanta.

At the Karachi session of the Congress, held in December 1913 under the presidentship of Nawab Syed Mohammad Bahadur, a resolution was passed authorising the All-India Congress Committee to arrange for a deputation representing the various provinces to go to London for putting before the British public the views of Indians on the following subjects :

(i) Indians in South Africa and other colonies, (ii) Press Act, (iii) separation of the judiciary from the executive, and (iv) reform of the India Council, on which the Congress had already expressed its opinion.

Though the Congress resolution on the subject mentioned four specific matters, the deputation was really organised in connection with the reform of the India Council. The Secretary of State, Lord Crew, was expected to introduce a Bill on the subject in the House of Lords in the spring of 1914. The contents of the Bill were not known at the time. The deputation left for London in April 1914. As such, the Congress or the Indian public opinion had not been able to express itself in favour of or against the Bill. When the

Bill was actually introduced and its contents were known, there was a difference of opinion among the members of the deputation, the leader, Bhupendranath Basu, and some other were entirely in favour of the Bill, while Lala Lajpat Rai and Sachchidananda Sinha stood for introducing drastic amendments in it before it was adopted. Sinha had characterised the Bill as "typically a milk-and-water measure", which would satisfy no one. The Tory members of the Lords and the Tory press of England had opposed the Bill on the ground that it sought to provide for the election of Indian members of the Council. In fact, they had unanimously declared their strong opposition to the application of any kind of elective principle to the Secretary of State's Council. The Indian Press had also opposed the Bill on the ground that it did not go far enough to make popular representation adequate and effective. Lala Lajpat Rai and Sinha were of the view that Indians would do better to agitate for the complete abolition of the Council, which was a sort of white elephant maintained at the cost of the Indian tax-payers.

The Bill was ultimately buried unwept, unhonoured and unsung and no one, perhaps, was the worse for it.

The thirtieth session of the Congress, held at Bombay in 1915, adopted a resolution acknowledging with deep gratitude the services rendered by the deputation.

Champion of Education

The advancement of higher education in Bihar was one of the major causes championed by Sachchidananda Sinha. His contribution in this sphere deserves to be remembered with gratitude by generations to come. He had been actively associated with the Patna University ever since its inception. He was a prominent member of the committee appointed by the Government, under the presidentship of Sir Robert Nathan, to frame a scheme for the establishment of a university at Patna. Later, he worked as a member the University Syndicate and the Senate for a number of years. He remained the University's Vice-Chancellor for a period of eight years. He was appointed honorary Vice-Chancellor in 1936 and continued to hold that office till 1944.

He was the first non-official to be appointed as Vice-Chancellor, his five predecessors having simultaneously held some other post also under the government. His appointment was made in the teeth of vehement opposition of the Director of Public Instruction and other high officials of the Education Department. and thereby hangs a tale. In the Patna University Act of 1917, under which the University was set up, it was not made clear whether the Vice-Chancellor was to be an honorary or a salaried officer. The first Vice-Chancellor was J.G. Jennings, who was first a professor and then the Principal of the Muir Central College, Allahabad. The next was V. H. Jackson, who was the Principal of the Patna College. Both happened to be salaried officers of Government. This led to the growth of a feeling in the province against such a practice. A resolution was moved in the Provincial Legislative Council to that effect, and was carried in spite of the opposition of the Government. Later, the Government announced that Jackson's successor would be an honorary Vice-Chancellor. Accordingly, on the retirement of Jackson, the choice of the Government fell on

Sir Syed Sultan Ahmed; who was the Government Advocate at that time and enjoyed an extensive practice at the Bar. In spite of his being a very busy person, he managed the affairs of the University quite successfully. At the time of his retirement, the questions, of the appointment of a new Vice-Chancellor again came up. The Director of Public Instruction, who happened to be a British member of the Indian Educational Service, manoeuvred to get a European Judge of the Patna High court (Justice Macpherson) appointed as honorary Vice-Chancellor. It was believed that it had been done against the wishes of the Education Minister, Sir Mohammad Fakhruddin.

Naturally, this provoked hostile criticism in the press and among the public. As Leader of the Opposition in the Provincial Legislative Council at that time, Sinha moved a cut motion, during the Budget debate, to discuss the question whether, in view of the Government's declaration that no official of the State would be appointed to the office of the Vice-Chancellor of the University, it was right and proper to appoint a Judge of the High Court to that office. Sinha pressed his point so strongly that the motion, if put to vote, might have been carried. The Education Minister then suggested that the motion might be withdrawn in view of the fact that its purpose had been served, and the government now realised that public opinion was very much against the nomination of an official as Vice-Chancellor. The Minister also gave an assurance that, at the time of filling up the next vacancy, the suggestion made by Sinha would be kept in view. Thereupon the motion was withdrawn.

But, once again, the same Director of Public Instruction, who had by now become more powerful than before, still ruled the roost. The Education Minister's assurance, given in the Council, was coolly brushed aside and a High Court Judge, in the person of Justice Khwaja Mohammad Noor, was appointed to succeed Justice Macpherson. He managed the affairs of the University with great tact and sympathy. He became quite popular by the time his three-year term expired in August 1936.

The Education Minister, at this time, was Syed Abdul Aziz. His predecessor, Sir Mohammad Fakhruddin, had passed away in 1933. The same Director of Public Instruction again tried to play

his old game. But this time he had caught a Tartar in Aziz. Public opinion in favour of the appointment of a pure non-official, not in any service of the Government, had become stronger than before. The Education Minister had proposed the name of Sachchidananda Sinha for the office of the Vice-Chancellor. This was opposed by the Director of Public Instruction and there was a regular tussle between the two. Ultimately, the Education Minister triumphed and Sinha was appointed Vice-Chancellor in 1936 to succeed Justice Khwaja Mohammad Noor. He continued in that office till 1944.

During his term of office, several new colleges were opened and the University, in the word of Dr. Rajendra Prasad, turned a new leaf by establishing research scholarships and fellowships. Sinha was able to create as many as fifteen research scholarships of the value of Rs. 100 each, and three fellowships of the value of Rs. 150 each. Another notable step was the creation of a new Faculty of Commerce. Again, it was due to Sinha's initiative that a course of technological study, and a scheme for the development of Hindu and Urdu literature through original work, were introduced.

The Governor of Bihar and Chancellor of the University at that time was Sir Francis Mudie, who was regarded as a civilian of an extreme die-hard variety, not easily prone to appreciating anything Indian. But even he, on the occasion of the unveiling of sinha's portrait in the Patna University Senate Hall, acknowledged that Dr. Sinha's record of public service as a lawyer, writer, politician, administrator, and, finally, as an educationist over a period of 50 years was unique. "He has touched nothing that he has not adorned. Not only is education his latest public activity, but it is, in a sense, a culmination of his work in other fields."

Speaking of Sinha's work as Vice-Chancellor, Sir Francis further observed :

"A University covers a wider field than law. It has been Dr. Sinha's vocation, and there is nothing which relates to human nature and human activity which is not of value to a Vice Chancellor. He must at the same time be learned and practical. He must appreciate the work of a true scholar who pursues learning for learning's sake, and, at the same time, give full weight to the practical advantages of educa-

tion. He must attend to the minute details of administration without losing the vision necessary to inspire youth. Above all, a Vice-Chancellor must be human and must appreciate life and combine the wisdom, which is to be gained only by experience, with a readiness to develop new ideas. In Dr. Sinha, all these somewhat conflicting qualifications are combined in a remarkable manner. He has the broad outlook of a scholar, a man of the world, and at the same time, possess the grasp of details necessary for an administrator of public funds. He has raised the standard of learning in the University and increased its balances."

Perhaps, a better and more correct estimate of Sinha's work and worth as Vice-Chancellor has not been made by anyone else.

It is not that Sinha's interest in education started only with his appointment as Vice-Chancellor of the University. It may, indeed, be traced back to the days when he was appointed Secretary of the Kayastha Pathshala in the year 1900. In that capacity, he rendered immense service to that institution by raising large funds for it and appreciably toning up its administration.

Sinha took an active part not only in the establishment of the Patna University, but also played a leading role in the movement for raising that University to the Status of a teaching university. As noted above, sinha was one of the eight members of the Patna University Committee which was appointed in 1913 under the chairmanship of Robert Nathan, to frame a scheme for the establishment of a University for Bihar and Orissa, subject to certain conditions. One of these conditions was "that provision should be made for a University, at or near Patna, of the teaching and residential type, and for the affiliation to this central institution of colleges situated at other places".

This Committee in its report had, among other things, recommended that the proposed university, should be of a teaching and residential type, and unitary in character. It was to be located outside Patna, at Phulwari Sharif, about five miles from the town. This University was to affiliate to it only colleges situated outside Patna, which implied that the existing colleges in the town of Patna would either be transferred to the University site or would alto-

gether cease to exist. This naturally evoked a strong public agitation in the province, mainly on the ground that an exclusively residential University, situated far away from the town, prove so costly as to deprive poor students of the benefits of higher education, particularly when the existing colleges in the town were to cease to exist. The scheme propounded in this report had, therefore, to be dropped. Instead, a Bill was introduced in the Central Legislature by the then Education Member, Sir Sankaran Nair. This Bill provided only for an affiliating, and not a teaching and residential University. It was, however, so conceived that it might develop ultimately into a teaching University. But the scheme had some objectionable features. It provided for the constitution of a Syndicate and a Senate of a type which virtually excluded the non-official element and placed the University almost entirely in the hands of men who were not expected to take an independent and impartial view of things. These men were more likely to carry out merely the orders of the Government, or act according to its dictates. Consequently, a strong agitation was set up against this Bill, too. It was led by Sachchidananda Sinha, Dr. Rajendra Prasad (first President of the Indian Republic), Rai, Bahadur Purnendu Narain Sinha, Rai Bahadur Dwarka Nath, Brij Kishore Prasad, Baidyanath Narain Singh and others. The result was that the Bill was considerably modified and improved upon and the Patna University came into being as an affiliating University late in 1917. Later, the controversy over the location of the University was revived. This was at the time when sinha happened to be a Member of the Bihar Executive Council. Ultimately, the popular will triumphed and it was decided to locate the University inside the town. Huge buildings were required to be constructed for the purpose. As the Finance Member of the Government, Sinha was of considerable help in finding the necessary funds for them.

In subsequent years, repeated efforts were made to introduce teaching and research in this University. Sinha took a very important part in these efforts. If the Patna University today is a wholly teaching University, with facilities for original research, the way for it was to a large extent paved by Sinha before and during his term of office as the Vice-Chancellor of the University.

LINGUISTIC CONTROVERSY

Sinha, as Vice-Chancellor of the Patna University, was a member of the Bihar Educational Reorganisation Committee, which was appointed by the first Congress Ministry, and of which that eminent educationist, Prof. K. T. Shah, was the chairman, and among its members were included such distinguished personalities as Dr Rajendra Prasad and K. G. Saiyyidain. The Committee had submitted three separate reports, relating to primary, secondary and university education.

In the report on primary education, the Committee accepted in principle that the mother-tongue of the student should be the medium of instruction. It made the following observation : "In this Province, luckily the population is almost entirely homogeneous, and so the question of choosing a common medium of instruction does not involve any great difficulty. Hindustani will serve for both the Hindus and the Muslims, who make up the bulk of the population of the Province." It further added : "The language, however, must be written in both the Devanagari and the Arabic scripts, and children must be familiarised with both before they complete their basic minium education."

Sinha, in a separate note attached to the Report, contested the correctness of the above statement in regard to the mother tongue of the people of Bihar. In his view, it was far from correct to say that the people of Bihar were unilingual, as suggested by the Committee.

At the same time, Sinha did not deny that Hindustani had long been used in Bihar for the purpose of education, social intercourse, polite conversation, and official work. He agreed that it had been, for centuries past, the sole literary language of the province. He, therefore, did not differ from the opinion of the Committee that Hindustani should be adopted as the medium of instruction in primary schools.

Sinha was of the view that it would be a fatal mistake to invent the theory of important cultural minorities in Bihar. "Once this wholly unjustifiable theory was accepted in this State, it would prove to be an insuperable handicap to the imparting of instruction

to students in primary schools though a common medium, like Hindustani, as not only the two communities, the Maithils and the Bengalis, but several others also will press a similar demand, particularly the Magadhi-speaking and the Bhojpuri-speaking communities." In support of this point of view, he referred to the report of the committee dealing with the re-organisation of primary education in U.P., wherein it was said that they did not favour the suggestion of making the various local dialects of the people the media of instruction. The U.P. committee had recommended that the language used as the medium of instruction should be a literary language.

NO NEGLECT OF ENGLISH

It may be pertinent to mention here that, while sinha was in favour of the idea of adoption of Hindustani as the medium of instruction, he was equally emphatic in his view against discarding or even neglecting the study of English.

In the course of his convocation address at the Nagpur University in 1937, Sinha said that 'the prejudice among some section of our people against the study and use of English is probably due to political considerations, born of the assumption that it is the exclusive property of the British'. He pointed out that it was spoken today by more people outside Britain than inside and had acquired the status of an international language.

SECONDARY EDUCATION

Sinha fully agreed with the criticism of several other educational experts that the system of training in our secondary schools was "intensely dominated by University requirements, that pupils and teachers alike become, as it were, hypnotised by the lure of Matriculation, while the teaching imparted to them is confined to but a lifeless preparation for that all-important examination, wholly regardless of its adaptability to life's large requirements'. He, therefore, pleaded for a thorough re-organisation of the secondary school system so as to make it self-contained, practical and useful

for the main concern of life, rather than as a mere stepping stone to obtaining a university degree. He endorsed the recommendation of the Central Advisory Board that candidates desirous of joining the subordinate clerical service of Government and local bodies should be required only to pass some qualifying examination.

Sinha further strongly advocated the urgent need and desirability of improving the lot of teachers in secondary schools, as also of improving the efficiency of non-Government schools. He emphasised that the policy of Government should not be limited to maintaining only a few Government schools—howsoever efficiently managed—but to raise the condition and standard of non-Government schools also, so that they might also become more efficient than they are at present. He, therefore, pleaded the Government should make strenuous efforts to bring private schools to the same standard by a much larger expenditure on secondary education and by an equitable distribution of their grants-in-aid.

Sinha stressed the need for a harmony of efforts and ends. He said, “While we must have properly qualified teachers working in suitable conditions and maintaining a reasonable standard of existing in the midst of struggle, the surroundings also in which our children grow and work should be made congenial. At the same time, the system of work also should be the best possible. Serious efforts should, therefore, be made in these directions and the following conditions fulfilled : (1) “Well-organised system of primary education for all boys and girls between certain ages; (2) a well-organised system of secondary education, efficiently imparted under suitable conditions, with special reference to the requirements of modern life; and (3) a suitable system to divert secondary education into proper channels, suited to the economic needs of the country, always keeping in view the cultural background so as to maintain a high morale in every walk of life.”

ADVICE TO STUDENTS

Convocation addresses are said to be generally dull and dreary. Sinha's addresses, however, read as fresh and interesting even today, although they were delivered more than thirty years

back. The critic may, to some extent, find in these addresses something of what may be called 'platitude' or 'commonplace'. But, as Sinha himself said, "much of what passes for original in popular estimation, in the press, on the platform, in lecture rooms or elsewhere, is generally the conventional and the commonplace." He, however, asked his audience not to be afraid of listening to and pondering over them, for what they are worth, "for none of us can do without them—platitudes (as concentrated experience of humanity) being a basic concomitant of life".

Sinha was a believer in the dictum of Lord Acton that "the pursuit of a remote and ideal object arrests the imagination by its splendour and captivates the reason by its simplicity, and thus calls forth energy which would not be inspired by a possible national end, confined to what is reasonable, practical and just". He also firmly believed in the wisdom of the Greek saying that "to blot out a high ideal is to take the spring out of the years". Therefore, he advised young men to cherish high ideals, but not airy or fantastic ideals, incapable of realisation. "What the country needs most at present," he said, "is harmony between the ideal and the practical. In our political, social and economic life, what we need, above every thing else, is a balance, a perfect poise, so that from a position of controlled elevation, we may assimilate all that is best in our surroundings, rejecting all the rest as poisonous substances". His appeal was "to pursue the path of the wise, who, in their march towards the designed goal, neither deliberately shut their eyes to realities, nor allow themselves to be blinded by the momentary glares of the flushing novelties of shibboleths, stunts and slogans". Quoting President Theodore Roosevelt, he emphasised that "commonsense was essential, above all other qualities, to the idealist, for an idealist without commonsense, without the capacity to work for actual results, was merely a boat that was all sails with neither ballast nor rudder". He warned young men also against what is called 'impatient idealism'. He explained that "real advance by people in any sphere of activity is only very slowly achieved, and that, if it is to be permanent or enduring, it must be built up by a very slow process". He was a believer in the Spenserian prin-

ciples of political and social evolution based upon organic conditions and a proper and harmonious development of intellect and emotion.

IMPORTANCE OF CHARACTER

Another important point that Sinha impressed upon young men was the utmost need on their part to elevate their character and to acquire “moral and political virtues as an essential part of their training and self-culture”. The students of history and sociology, said he, “will undoubtedly confirm my view that, ever since the dawn of political consciousness, men have acted upon the convenient but ill-founded belief—as we are still doing today—that their social and economic well-being depended upon political constitution or political status rather than on themselves; that is, not so much on their individual actions, habits and character as on their obtaining greater political freedom and rights embodied in the constitution. In taking this wholly wrong view, it has been usually forgotten that the government of any people is bound to be the reflex of the character and capacity of the individuals comprising it, with the inevitable result that the administration that is ahead of the people will unfailingly be dragged down in due course, and that which is behind them will have, in the long run, to be levelled up”.

Further, Sinha also emphasised that our young men should remember that their success in life depended no less upon the preservation of sound health than on development of good and steady habits, high moral character or intellectual equipment. He desired every young man and woman of the country to live up to the highest conception of patriotism as depicted in the following inspiring lines of Byron :

“We must forget all feelings save the one,
We must resign all passions save our purpose,
We must behold no object save our country;
And only look on death as beautiful
So that the sacrifice ascent to Heaven
And draw down freedom on her ever more.”

HIGHER EDUCATION

Sinha was not one of those who discredited the present system of higher education imparted in the universities, as responsible for many of the evils prevalent in the country and who, in particular, pointed to the acute unemployment among educated Indians as solely due to higher university education. Not that he regarded the education as imparted in our present-day universities as perfect in any way; but at the same time, he was firmly of the view that with all their imperfections and limitations, "it is the Indian universities that have mainly contributed to the birth and growth of that modern India which is pulsating with a new life and throbbing with noble ideals and lofty aspirations". He felt fully satisfied that these universities "had not only produced greatest Indian administrators, industrialists, lawyers, judges, reformers, scientists and statesmen, but had disturbed the placid and pathetic contentment of large sections of our people, both amongst the educated classes and the masses, contributed substantially to our mental, moral, social and political progressand thus deserves well of leaders of public opinion rather than be held up to contumely". He was not unmindful of the fact that much yet remained to be done to make university education more intensely purposive than had so far been the case. "We should be eternally vigilant", he said, "to see to it that our universities do not generate into mere manufactories for supplying the professional requirement of society—artisans, farmers, doctors, engineers, lawyers and mechanics *et hoc genus omne*. We continue to insist that they do not forget to implant in youthful minds the higher values of education.....and imprint on them the seal of gentlemanliness by endowing them with those great virtues—adaptability to environment, courage of conviction, mental equipoise, presence of mind, resourcefulness in difficult surroundings, spirit of self-sacrifice and zeal for public service—without which none should hope to live a full life and realise one's personality".

Sinha did not believe that university education was solely responsible for acute unemployment among educated classes or that the problem would be solved if steps were taken to discourage,

if not to abolish altogether, university education.

Sinha suggested : "Let the education system be recast, revised and reorganised as you will, but there is a world of difference between reforming university education and discouraging it altogether". He would, on no account, sacrifice university education "on the utterly false plea of solving the unemployment problem or encouraging technical education". Technical education alone, he did not believe, would be any solution of the unemployment problem unless active steps were taken to provide avenues for utilising the available talents by a well laid-out policy of industrial organisation and encouragement of indigenous enterprise.

Services to Orissa

For a long stretch of time, Orissa remained a part of the province of Bihar and Orissa, which Sinha was instrumental in creating. He always had a soft corner for the people of Orissa and respect for their sentiments and feelings. He tried to help, in every possible way the realisation of their aspirations.

In 1913, Sinha was a candidate for re-election to the Imperial Legislative Council. At that time, the new province of Bihar and Orissa had already come into being. Till then no person from Orissa had been returned to the Imperial Legislative Council. There was a strong feeling in Orissa on this point. In an open letter, Madhusudan Das, who was a highly respected and prominent leader of Orissa, appealed to Sinha to withdraw his candidature in his favour. The latter readily responded, allowing Das to be unanimously elected.

Earlier, in 1912, Sinha had played an important part in prevailing upon the Viceroy to veto an extremely contentious tenancy legislation to which the people of Orissa were strongly opposed. There were only two representations of Orissa in the Bengal Council in those days—Madhusudan Das and the Raja of Kanika. The Lieutenant Governor, Sir William Duke, and the Members of his Executive Council, consisting of two British civilians and an Indian Raja, were determined to push the legislation through before March 31, 1912. In accordance with the King's proclamation at the Delhi Darbar in December 1911, the new province of Bihar and Orissa was to come into being on April 1, 1912. The Bengal Governor wanted to make the Bill into a law before Orissa slipped from his hold. The voices of the two representatives of Orissa in the Bengal Legislative Council against the Bill were like a cry in the wilderness. They approached Sinha to try to get the Bill vetoed by the Viceroy, if it was passed.

The Viceroy at that time was Lord Hardinge. Sinha happened

to meet him at a reception in the Calcutta Government House and, in the course of the conversation, he mentioned the subject to him most tactfully. He told him that, only a month later, Bihar and Orissa would have a Legislative Council of its own, in which Orissa would be properly represented. It would be only fair to leave the consideration of such a contentious measure to be new Legislative Council rather than to get it enacted in a hurry by the expiring Bengal Council. Sinha suggested to him that it could not become law without His Excellency's assent. Lord Hardinge, thereupon, straightway said that he would refuse assent to the measure. Sinha asked Lord Hardinge to consult his Law Member (Sir Ali Imam) also on the subject.

In accordance with the declaration of His Majesty King George V, the capital of India had been shifted from Calcutta to Delhi. The viceroy was leaving for Delhi the next day. A large crowd of Calcutta notables had gathered on this day in the hall of the Government House to bid farewell to the Viceroy. The time fixed for His Excellency's departure was 3 p.m., and it was expected that the Viceroy would come at least half an hour earlier to take leave of the people assembled there. But it was only at about 3.30 p.m. that the Viceregal party, consisting of the Viceroy, the Lieutenant Governor (Sir William Duke) and the Law Member, Sir Ali Imam, emerged from the corridor. Immediately, the Viceroy started bidding good-bye to those assembled. When he came up to Sinha, he told him : "I have vetoed the Orissa Bill, although Sir William Duke pressed me hard to give my assent to it. Ali Imam will tell you the whole story."

Later, in the evening, Sir Ali Imam told Sinha how there was a regular tussle between the Viceroy and the Lieutenant Governor. The latter had said all that he could to induce Lord Hardings to give his assent to the bill and had even appealed to him, in the name of British prestige and the local Government's honour, to account his formal consent to the enactment of that measure.

The next morning, the news was prominently splashed in the newspapers and there was tremendous excitement in the press. The *Statesman*, commenting editorially, paid sinha the compliment of being a "shrewd politician", who was wholly responsible for

having brought about the *contretemps* in which Sir William Duke and his Government had found among various British administrative units.

Sinha played an important part in the constitution of the separate province of Orissa, composed of the Oriya-speaking tracts, which had been, for more than a century, divided had moved a resolution on the subject in the Imperial Legislative Council in February 1920. This resolution had led Government to initiate official discussion on the subject.

Later, in August 1931, he was invited by the Government to serve as an associate member of the Boundary Commission which was set up to carve out the new province of Orissa. His inclusion in the Commission was naturally hailed with great satisfaction both in Bihar and in Orissa. He found the work as a member of the Commission too exacting due to his advanced age, for it meant considerable travelling. The Commission had to visit the outlying parts of five provinces, namely, Bihar, Orissa, Bengal, Madras and the Central Provinces. But he did not at all mind the trouble, interested keenly as he was in the creation of a separate Orissa province. The report of the Commission went a long way in meeting the wishes of the people of Orissa. Sinha had the satisfaction not only of taking the lead, but of also living to see the realisation of the object. The new province of Orissa came into being on April 1, 1936.

The Man

Though he had won distinction in public life and politics, Sinha was essentially a man of learning and culture. He was easily “one of the best-read men among the political leaders of the time”. No visitor to Sinha’s house could help getting lost in the world of books that he had set up in his library. In the words of Dr. Radha Kumud Mukherjee, Sinha’s “knowledge of books was remarkably up-to-date; the latest arrivals at his library were first perused by him and profusely marked in red and blue before they were accessioned”.

He had a deep and abiding interest in Hindi and Urdu literature. He used to keep a selected set of neatly bound standard works in both the languages and would often turn for relaxation and enjoyment to these books. He was a great admirer of Tulsidas’s *Ramacharitamanas* and it was indeed a pleasure to hear him quote from memory verse after verse from that great epic. Equally great was his interest in Urdu. He had carefully studied the works of the Urdu masters and had memorised their important and oft-quoted lines.

Sinha had a wonderful memory; quotations and references used to be, so to say, at the tip of his tongue. He could at once tell you what standard books one should read on a particular subject, or where you could get a particular information. He even remembered the shelf in which a particular book was to be found in his library. His wonderful memory helped him embellish his speeches and writings with apt and beautiful quotations.

He wielded a facile pen and was exceptionally meticulous in the choice of his expressions. His regard for truth, accuracy of details, authenticity of reference, and his skill in the marshalling of facts and figures, all indicated the vitality and versatility of his intellect.

His book on Poet Iqbal is an outstanding work of criticism in modern Indian literature, noted as much for its deep study and understanding of the poet, as for its clarity of analysis and vigour of expression. In the words of that distinguished scholar, Dr. Amarnath Jha, he “has brought to bear upon this study a vast knowledge of European and Oriental literature, an amazing memory, complete freedom from narrow interest and sympathies, which is the secret of the universal respect which he and his writings enjoy.....Dr. Sinha’s encyclopaedic learning, his critical acumen, his straight forwardness, and the courage of his convictions will impress all readers of his book. It will long remain a monument to his industry, his thoroughness and his determination to state the truth as he sees it”. Commenting editorially, the *Leader* of Allahabad acclaimed it as “the best study so far written of all phases of the life and work of Iqbal—richly documented and written with impartiality, and revealing deep acquaintance with Persian thought and Urdu literature.”

Another interesting and well-documented book of Sinha is called *Kashmir—the Playground of Asia**, which may serve as a good guide to tourists to that ‘paradise on earth’.

Another book, *Some Eminent Contemporaries of Bihar***, contains short sketches of some of his contemporaries in Bihar, whom he had known most intimately for a long period, but who were no longer living at the time of the publication of the book. As such, several of his living contemporaries, like Dr. Rajendra Prasad, Brij Kishore Prasad, Dr. Anugrah Narayan Sinha, Dr. Srikrishna Sinha and others, whom also he had known most intimately, had been left out. However, the book is highly informative and provides delightful reading.

Sinha was a true devotee of Goddess Saraswati. Till the last days of his life, he remained a student *par excellence*, possessing an insatiable thirst for knowledge.

*- *Kashmir—the Playground of Asia*, published by Messers Ram Narain La’ & Sons, Allahabad.

***Some Eminent Contemporaries of Bihar*, published by the Himalaya Press, Patna.

LAW AND LITERATURE

Early in life, while studying law in London at the hon'ble Society of the Middle Temple, Sinha was advised by a Scotch friend to read not only law books but also imaginative literature, including of course, the whole of Scott's *Waverly Novels*. The first books he took up was *Guy Manuring*. He was specially struck by the scene in this book where a legal character, Pleydill, says : "A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of those, he may call himself an architect". These words made such a deep impression on Sinha's young and susceptible mind that he resolved to become, if possible, a 'legal architect' according to the definition of Scott. This effort led him into fruitful channels, broadened his outlook and made him so useful to his province and country.

In the course of a very interesting and illuminating discourse on 'Law and Literature', delivered at a meeting of the Casual Club at Patna in 1937, Sinha advised his lawyer friends, whose everyday work lies amidst "brawling courts and dusty purlieus of the law", that they might very well vary and lighten the inevitable arduousness of their professional work by excursions into some of the most delightful fields of imaginative and inspiring literature. In fact, he believed, that no lawyer could claim to be justly entitled to the conventional and honorific epithet of 'learned', if his learning is confined merely to law reports, statutes and legal text books. A lawyer's mental domain, he believed, should extend over all branches of human life and activity, as reflected in literature in the broadest sense of the term. Sinha, without doubt, eminently fulfilled these qualifications to be called 'learned'.

Sinha was a lawyer by profession, and a very successful and clever lawyer too, reputed for his legal acumen, able advocacy and effective cross-examination. Indeed, as a crossexaminer, he had few equals. He was one of the few top lawyers who enjoyed high reputation for their skill in that art.

He had enjoyed a fairly large and lucrative practice, both in

* The text of Dr. Sinha's is printed at pages 525-533 in *Speeches and Writings* (Second Edition) on Sachchidananda Sinha published by Thaker Spink & Co., Calcutta.

and outside Bihar. In particular, because of his reputation for deep study and wide knowledge of Constitutional law and Legal History, his services were in great demand by the Indian Princes, who sought his advice and help in matters pertaining to their treaty rights and privileges *vis-a-vis* the British Government.

A case involving the then self-governing Indian States and the British Residents, on which Sinha's advice was sought, may be worth mentioning. The question was whether the Resident of an Indian State was entitled to send for the record of any case—civil or criminal—which had been tried and disposed of by the State courts to satisfy himself that no miscarriage of justice had occurred or for any other purpose, as a certain Resident in a State had done. In other words, the question was whether the Resident was entitled to claim any kind of appellate or revisional or even supervisional jurisdiction over the proceedings, judgments, orders or sentences passed by courts of competent jurisdiction in the territories of self-governing Indian States.

After carefully examining the question, Sinha recorded his opinion* that the Resident could not claim to possess any such right, either on the basis of any treaty between the British Government and the State, or under general principles of law—constitutional, political or international—or any long-established and well-defined convention. Nor could it be argued that the supremacy of the British Government, as the Paramount Power in India, gave any such right to the Resident.

Sinha was also the author of the Banaras State Constitutional Reforms Report of 1939, in the course of which he had ably discussed and explained the implications of a responsible government. Concluding this Report, he rightly opined that “the responsibility for the ultimate success of a constitution rests far more on the political leaders than on its framers. The constitution-makers can but frame a skeleton which can be vitalised by the infusion into it of those progressive traits which constitute the political character of a people. It is, therefore, to the development of a healthy and wholesome political character in the people that those anxious for the establishment of responsible government should address themselves, since, as emphasised by Herbert Spencer (in

the *Social Studies*) “ a nation’s institution are determined by its character” and “no philosopher’s stone can produce golden conduct out of leaden instincts”.

PERSONAL QUALITIES

Sachcidananda Sinha’s unique social qualities, in the words of Sarojini Naidu, the Nightingale of India, were “no less admirable and valuable to the generation in which he lived and worked than his intellectual attainments”. “I know few men”, she adds, “with his happy gift for attracting the cordial and enduring regard of the most diverse types of men and women. A splendid host, he has always been able to gather under his hospitable roof persons of all races, ranks and religions in harmonious intercourse, irrespective of the most startling divergences of personal and political views on vital problems. His ironic wit and humour have been the delight of his large circle of associates and admirers. He is a man of deep affection and generous loyalties, and has rendered to his country and countrymen signal services which have earned well-merited gratitude”.

Anyone visiting Patna from outside and known to him either by personal contact, or even by correspondence, was always welcome to stay with him and to enjoy his lavish hospitality. In fact, he (or she) would not be allowed to stay anywhere else. Thus, rarely a day passed when his house would be without a guest. It was almost impossible for him to sit down at his dinner table without some guest. An interesting story illustrating Sinha’s hospitality may well be recalled here. In the days when Sinha lived at Patna, there was practically no good hotel there. A French *chef* from Calcutta opened a small hotel, but only three or four months later, he decided to close down his establishment. The French *chef* had been an acquaintance of Sinha in Calcutta. Before leaving Patna, he came to bid good-bye to Sinha. On being asked by Sinha the reason for closing down his hotel, he replied : “What can I do, sir, I feel that no hotel can prosper in Patna so long as your free hotel is there.”

Sinha always lived well and was a connoisseur of all the good

things of life. As in many other subjects, he was well-versed in the art and science of gastronomy. He was fastidious in his choice of dishes. He possessed the great and rare quality of never allowing political or other differences to affect his personal relations with anyone. Among his guests used to be persons of all classes and shades of opinion.

Even when he was a Member of the Governor's Executive Council, when the Non-cooperation Movement was at its peak, with the Government's harsh repressive measures in full sway, sinha continued to invite and entertain his Congress friends at his house, regardless of what the Governor and his European colleagues thought of it. One such occasion may be recalled here. On a cold December night in 1921, a number of prominent Congressmen, including men like Rajendra Prasad, Brij Kishore Prasad, Sri Krishna Sinha, Anugrah Narain Sinha and others, had gathered at Sinha's house for dinner. As they were sitting down at the table, a message was received that Maulvi Shafi, along with a number of other Congress leaders of Muzaffarpur, had arrived at the Patna Railway Station. These persons had been convicted and sentenced to various terms of imprisonment for taking part in the Non-cooperation Movement and were being taken to Buxar Central Jail. Rajendra Prasad and others wanted to go and meet them. Sinha Sahib—as he was affectionately known—would not allow, at least the elderly among them, to walk to the Railway Station on that cold night. Without the least hesitation, he sent them in his car to the Railway Station. The next morning, the Chief Secretary, E. L. L. Hammond, and, perhaps, the Governor too, expressed their unhappiness at this. Sinha was not a man to take it lying down and straightway told them that he was not at all sorry for it. He firmly made it clear that he was not prepared to allow his official position or political differences to interfere with his social relations and courtesies with friends, whether Congressmen or non-Congressmen. This was typical of Sinha and it shows the stuff he was made of. He remained a staunch nationalist and an ardent patriot throughout his career, whether official or non-official.

He often used to say: "Thank God! I owed my membership of the Executive Council not to any white man but to an Indian

(meaning Lord Sinha)." He even gloried in the fact that he was not made a Knight at the time of retirement as was usual for Members of the Executive Council. In fact, the author has personal knowledge of the fact that once when Sinha came to know that his name was being considered for that honour, he persuaded the high-ups in the official hierarchy to drop his name. He even conveyed it to the Governor that it would be very embarrassing both for him as well as for the Governor, if he refused the honour after it had been conferred on him.

GENEROSITY AND TOLERANCE

Generosity and a spirit of tolerance were second nature with Sinha. He was incapable of nursing any ill-will towards anybody, not even towards those who had done a bad turn to him, or who habitually opposed and criticised him. Instances are not wanting when he had to face stiff opposition from unexpected quarters, which made him at times feel bitter. But this reaction was only momentary. One such occasion was when, in the election to the Bihar Assembly as a representative of the Patna University, he was opposed by a candidate nominated by the Congress. He had felt it all the more because he (Sinha) always regarded himself as a Congressman even though he had seceded from the Congress on the issue of non-cooperation. To quote his own words, he regarded it as "nothing short of an outrage", since his opponent just managed to escape by one vote the forfeiture of his security money. Whatever his personal feelings, he did not find fault with Congressmen in Bihar for this. He declared that the fault was not theirs, but of the system to which they were wedded.

Another instance of his large-heartedness and sympathy for fellow beings is furnished by an incident at his house at Allahabad. One day, an educated young man who had just returned from England and was stranded for want of funds went to Sinha with an appeal for help. Sinha at once asked him to come to his house and he started living there as his guest. In those days, Sinha had been living permanently at Patna, and visited Allahabad only occasionally. After some time, during Sinha's absence from

Allahabad, the guest, one day, despatched the servants of the house on various errands, stealthily removed all the furniture of the room occupied by him and suddenly disappeared from the house. Later, it was found that he had sold the furniture to some one and with the proceeds thereof he had met the cost of his journey to Musoorie on a pleasure trip. The matter was reported to Sinha at Patna, but the latter not only took no step against him, but even went out of his way to secure a decent job for him, and also to help him financially and otherwise.

In a controversy, however, Sinha would not spare his opponent even if he was near and dear to him. But, curiously enough, he would not take long to forget and forgive, once again becoming a friend and benefactor. That is why he never made an enemy or lost a friend and could retain till the last the love and affection of all who ever came into contact with him. At times, he annoyed some persons by telling them bluntly what they deserved to be told. It may have appeared to them at the time to be rude and insulting. But, in their calmer moments, even they recognised that there was no malice or ill-will in all that he had said, that his anger or annoyance was momentary and that he possessed a kind and affectionate heart.

A BRILLIANT CONVERSATIONALIST

As a brilliant conversationalist, Sinha had few equals. It was a treat to be in his company. His almost inexhaustible fund of anecdotes, his intimate accounts of men and things with apt quotations from standard English authors or Hindi and Urdu verse, aphorisms and sayings used to delight and impress his listeners. These talks used to be both serious and light, as occasion demanded, and on a variety of subject.

SENSE OF HUMOUR

In the course of a paper read by him on "Bulls and Blunders" at the Bihar Youngmen's Institute (Patna) in 1940, Sinha regretted that humour, which was so prominent a feature of Western literature, did not have the same place in the literature of the East.

“While there is much to admire”, he said, “in the literature of many of the Asiatic countries—notably India, Arabia, Iran and China—yet, in the literature of none of them do we find authors who betray a sense of humour in their works to the same extent as is to be found in the literature of Britain or France. While we, Indians, have been endowed by Providence with many redeeming qualities, we have been practically denied the saving grace of humour, owing to which our speeches and writings are usually dull, ponderous and portentous.....The thundering declamations of our orators, the hyper-critical speeches and writings of our political leaders, the ponderous platitudes of our editors, and the learned discussions in our law courts are usually most dreary and a source of weariness to the flesh. They are scarcely ever lit up with sparkling wit or humour or even rendered laughter-provoking by the perpetration of a clever mistake.”

This certainly was not the case with Sinha's speeches and writings. He possessed a keen sense of humour and the rare gift of uttering even serious and unpalatable truth in such a humorous way that it provoked laughter even in the intended victim of his fun or attack. To some, his humour might have appeared as bordering on the mischievous, but it was never vulgar or smacked of ill-will. His speeches were usually lit up with a brilliant wit and subtle humour and were never dreary. A few samples of his humorous writings, collected in his book *Speeches and Writings** may well be described as of high literary standard, which may even today be read with considerable interest and delight.

OTHER QUALITIES

Sinha was very methodical in his everyday life; he may well be said to be ‘method-incarnate’. He was strictly regular in his habits; everything had a time fixed for it and it had to be done at that time. Here lay the secret of his ability to do a large volume of work every day even in his old age.

There may be few who could compare favourably with Sinha

* *Speeches and writings of Sachchidananda Sinha*, published by Thacker Spink & Co., Calcutta.

in the matter of promptness and regularity in correspondence. His daily 'dak' used to be very heavy, but no letter would remain unreplied or un-acknowledged. Every letter was disposed of the same day. The large number of newspapers received every day would also receive his scrutiny with the trained and discerning eyes of a journalist. This was evident from the innumerable cuttings taken from most of them on a variety of subject. Thus, his daily output of work was truly amazing. It is true that Sinha's life of ease and comfort made it possible for him to indulge in things which may not be possible for others. Nonetheless, his example of methodical work and regularity of habits deserves to be emulated by the present generation of young men and women.

Another trait of his personality that deserves to be mentioned here was his punctiliousness in matters of social etiquette. He would not invite anyone at any social function in his house who had not either called on him or who did not maintain regular social relations with him. When he was the Finance Member of the Bihar Governor's Executive Council, he did not invite the Finance Secretary (who was a European I.C.S. officer) to a dinner at his house at which the Governor and a number of officials and non-officials had been invited. This was so because the Finance Secretary had failed to extend to him the usual courtesy of calling upon him after his return from long leave. This was noticed by Sir Hugh McPherson, another Member of the Executive Council. A day before the dinner, he rang up Sinha and enquired as to why that particular officer had been ignored by him. In reply, Sinha plainly told him that he had not been courteous enough to call on him after his return from leave. "Oh ! Is that so? It was grossly improper on his part not to have called on you", said Sir Hugh. Within half an hour or so, the officer concerned came to Sinha with profuse apologies; he was immediately given an invitation card.

Sinha did not like anyone going to him dressed slovenly. He had a particular weakness for headgear and would not tolerate anyone expected to wear a cap but going to him bare-headed. It may sound strange, but he regarded it as bad manners. Similarly, he had a weakness for his native dialect 'Bhojpuri', which is spoken in a fairly large area of Bihar as also in several eastern

districts of Uttar Pradesh. He was by nature very inquisitive and always tried to know everything in detail about a person who met him for the first time. In that way almost everyone who came into contact with him was intimately known to him.

APOSTLE OF HINDU-MUSLIM UNITY

Sinha not only preached and worked for Hindu-Muslim amity, but actually set a personal example as one completely free from any communal bias or prejudice. All his life, he was on the best of terms with his Muslim fellowmen and fully enjoyed their confidence, both in public dealing and private life. Some of his most intimate friends happened to be Muslims. He maintained the most cordial social relations with them all his life. In his own way, he always worked for promoting amicable relations between the two communities. His *Hindustan Review* had a glorious record of fostering inter-communal unity. For many years, the *Review* continued to inspire its large number of readers to work for this cause. Sinha's contribution to the solution of the Hindu Muslim cause was by no means confined to the *Hindustan Review*. He had inspired many other journals and newspapers also to work for this cause by writing in their columns.

Though he was opposed, in principle, to separate electorates yet he had suggested a compromise formula in his presidential address at the second session of the Bihar Provincial conference at Bhagalpur in 1909. It had been widely welcomed at the time and had the full support of Gopal Krishna Gokhale, who was himself present at that conference. The Minto-Morley Reform was on the anvil at that time. Lord Minto, in reply to the Muslim deputation, had practically assured them that they would get separate representation. This was not liked by the Hindus. The essence of Sinha's compromise proposal was that a substantial number of seats should be thrown open to election on a territorial basis, in which all qualified voters, without distinction of race, caste, creed or community, should take part. Thereafter, a supplementary election, confined to a special electorate representing minorities, should be held for the exclusive benefit of such minorities. In commending this scheme, Gokhale had

observed that the great advantage of the plan was that it provided for composite action by all communities up to a certain point. The scheme, at the same time, prevented injustice to minorities by giving them a supplementary electorate of their own. But this was after all a compromise scheme, framed in the anxiety to make the best of the Minto-Morley reform. It was apparently, not based on correct and sound principles. The result was that the question of Muslim representation went on getting complicated, and the feeling of separateness went on increasing. Sinha, however, did not lose heart and, all his life, continued pleading and working for communal peace and amity.

In this connection, we may recall an interesting anecdote to show his genuine desire to promote Hindu-Muslim unity which with him, was almost a religious conviction. The All-India Hindu Mahasabha session was held at Patna in April 1927 under the presidentship of Dr. Moonje. Lala Lajpat Rai had come to Patna to attend the conference as a delegate. He was naturally a guest of Sachchidananda Sinha. The presidential address was to have been delivered in the afternoon, but advance copies of it had been made available to the press. Lalaji also had got a copy of it. At the lunch table, the address was discussed between Sinha and Lala Lajpat Rai. A paragraph in the address relating to the Hindu-Muslim problem jarred on Sinha's ears. He did not like it and frankly said: "It is all right for Dr. Moonje to seek to protect Hindu interest, but should he needlessly be offensive to the Muslims?" Lalaji replied: "No, of course not, but the offence emanated from the other side". This he said in support of Dr. Moonje, "Perhaps", retorted Sinha, "no noise was ever made unless two hands clapped. One could never make a noise, however much he waved them in the air." That was a clincher. The matter was discussed for a few minutes and it was ultimately decided to advise Dr. Moonje to delete that objectionable portion. Lalaji was sent post-haste to the conference pandal and the objectionable portion was officially deleted. Sinha did not like it to be known that he had anything to do with the deletion.

This little incident just illustrates how sincerely solicitous and vigilant Sinha was in his attempt to promote Hindu-Muslim amity in the country.

INTEREST IN MUSIC

Sinha was a great lover of music. Not only did he love to hear good classical music—and he never missed whenever an opportunity presented itself to him—but had good understanding of the art. Once he presided over the Allahabad University Music Conference and his presidential address proves his knowledge and experience in the sphere. He was a great admirer of high class *Shastriya* (Classical) music, and believed in the “inevitability of the grammar of music, like the grammar of language”. However, he deprecated an artist “who allows his attention to be absorbed by and his soul to be smothered under the dead weight of technique and oral gymnastics.... The antics of an acrobat may amuse us awhile, but one cannot pretend to be edified or moved or exalted thereby; for music to be able to possess the charm to soothe a savage breast must be sweet and not harsh or grating”. He wanted the musicians to realise that “music ceases to have its main justification, if it was not agreeable to the ear, to even the vulgar ear and to the ear of the untrained and uninitiated”.

He was, therefore, not in agreement with those who would banish from our music academies and colleges everything which was not strictly classical.

Last Days

Sinha retired from the legal profession as far back as 1928, but continued to take active interest in public affairs till the end of his life. It was during his period of retirement that many of his valuable contributions were made in different spheres—literary, educational and political. He was in his early seventies when he wrote and published his valuable book on Iqbal, which is a monument of his capacity for hard and sustained work. His other two books were also published when he was in his sixties. The account of his activities as a legislator and as Vice Chancellor, contained in the earlier pages, should give the reader an idea of the large volume of work he was able to put in during his period of retirement.

PRESIDENT OF CONSTITUENT ASSEMBLY

Sinha had the unique honour of presiding over the opening session of the Constituent Assembly of India which began on December 9, 1946. He was its oldest member in age. Two days later, he had the privilege of installing as its permanent president that great and distinguished Indian, Dr. Rajendra Prasad, who later became the first President of the Republic of India.

In his inaugural address to the Constituent Assembly, Sinha recalled the various stages in the evolution of the idea of a Constituent Assembly in India. He referred to the constitutions of some of the countries of Europe and the constitutions of the Dominions of the British Commonwealth, and commended them to the Assembly for its careful consideration. He pointed out that, according to Munro—a standard authority on the subject—the American Constitution was based on a series of agreements as well as compromises. As such, he said, it might well be adopted

as a model by the Assembly. From his long experience of public life for nearly half a century, he could say that “reasonable agreements and judicious compromises are nowhere more called for than in framing a constitution for a country like India”.

He prayed to God that the Constitution that the Assembly might ultimately frame “may be reared for immortality, if the work of men may justly aspire to such a title, and it may be a structure of administrative strength which will outlast and overcome all destructive forces”. Sinha also warned that any constitution “may perish in one hour by the folly or corruption or negligence of its keepers—the people. Republics are created by the virtue, public spirit and intelligence of the citizens. They fall when the wise are banished from the public councils because they dare to be honest, and the profligate are rewarded because they flatter the people in order to betray them”.

SIGNING THE CONSTITUTION

The last act which marked, as it were, the culmination of his public career was his signing, on February 14, 1950, of the Indian constitutional document after it had been finally adopted by the Constituent Assembly. This was only a fortnight before his death. ON account of his weak health, Sinha was unable to get to Delhi to sign the Constitution. President Rajendra Prasad had, therefore, arranged to send the document itself to him at Patna, through a special officer of the Constituent Assembly. At a brief and solemn ceremony in his house, attended by a number of leading citizens of Bihar, Sinha signed the Indian Constitution.

In a brief speech on this occasion, which proved to be his last public utterance, he said:

“I think, personally, it is a great event in the history of Bihar that the work of the Constituent Assembly should have begun at Delhi, under the presidentship of one born in Bihar, that the work should have been completed under the guidance and control of one who was born and brought up in Bihar, and today it further falls to the lot of a man born in Bihar to bring the proceeding to a close. This should be a matter of great consolation to every citizen of this State.

“Everything in the world, as we know, passes away. Who remembers today, except P.R. Das, who is present here, and a few other constitutional lawyers, as to what was the first to sign the Constitution of America and who was the last man to do so? Nothing exists for ever; everything passes and perishes; that is the law of nature, and a good law, too. But we do remember a few things for some time. It will be, I suppose, for all of us a good recollection that we were associated in some shape or form either with the beginning or with the closing of this great document.

“Nobody knows more than many of you present here, who are either working it or shall have to work it, that nothing in this world is perfect, least of all a document constructed by us. Indians, who have not much knowledge and experience of this kind of work. Still, while nothing in the world is perfect, nothing is altogether imperfect either. I hope that not only by its working on the executive side, but also by the interpretations given to it by the judiciary, it will become, in course of time, a perfect document—a Constitution under which we and our descendants will live as free citizens of the Republic of India.”

In judging Sinha's services, his work and worth, no one should overlook the conditions in which our earlier publicmen had to do their duty and the enormous difficulties they had to contend with. All honour, therefore, to them who did their work so well, undismayed by adverse conditions. By their noble and courageous labour, they paved the path for the attainment of *Swaraj*. Sinha, undoubtedly, belonged to that noble band of publicmen who worked to the best of their lights, honestly, sincerely, steadfastly, and with no selfish motive, for the political, social and educational advancement of the country.

Sinha passed away full of honours and years on March 6, 1950, at the age of 79, mourned by a very large circle of relations, friends and admirers throughout the country. With him, passed away a truly epochal figure of Bihar, nay of India. If history is made by men, Sinha may rightly be said to have made the history of Bihar, and also contributed in no small measure to the political and social advancement of the country as a whole. He was indeed an institution by himself.

Appendix I

A CHRONOLOGY

- 1871 —Born at Arrah (Bihar) on November 10.
- 1877-1888 —Educated at Arrah Zila School.
- 1888 —Passed Entrance (Matriculation) Examination from T. K. G. Academy, Patna, and joined F.A. (I.A.) class in Patna College (in July).
- 1889 —Got himself transferred to City college, Calcutta (in September).
—Left for London (December, 16).
- 1890 —Arrived in London (February) and joined the Middle Temple (April).
- 1893 —Called to the Bar (January 26). Enrolled as an Advocate of the High Court of Judicature at Calcutta (April).
- 1894 —Married Radhika Devi at Lahore (July 25).
- 1896 —Enrolled as an Advocate of the Allahabad High Court (November).
- 1900 —Founded the *Hindustan Review* (July).
- 1909 —Presided at the Bihar Provincial Conference at Bhagalpur.
- 1910 —Elected member of the Imperial Legislative Council (January).
- 1912 —Elected Secretary of the Reception Committee at the twentieth session of the Indian National Congress held at Patna (December).
- 1913 —Presided at the Agra and Oudh Provincial Conference, held at Kanpur (April). Acted as a member of the Patna University Committee (Nathan Committee).
- 1914 —Visited Europe as a member of the Congress Delegation.
- 1919 —Elected member of the Imperial Legislative Council (December).
- 1920 —Elected member of the Imperial Legislative Council (De-

cember).

- 1921 —Elected first Deputy President of the Indian Legislative Assembly (February).
- Appointed Member of the Executive Council of the Governor of Bihar and Orissa (May).
- Appointed to act as President of the Bihar and Orissa Legislative Council, while continuing as Member of the Executive Council of the Governor of Bihar and Orissa (July).
- 1922 —Relieved of his duties as President of the Bihar and Orissa Legislative Council (November 20).
- 1924 —Founded Srimati Radhika Sinha Institute and Sachchidananda Sinha Library at Patna (February).
- 1926 —Relinquished charge of office of Finance Member of the Executive Council of the Governor of Bihar and Orissa (June).
- 1927 —Toured extensively in Europe and represented India at the International Press Conference at Geneva (August).
- Addressed the East India Association in London on the working of Dyarchy (October).
- Acted as Chairman of the Reception Committee at the Patna session of the Bihar Provincial Hindu Conference.
- 1929 —Presided at the 35th session of the All India Kayastha Conference at Delhi (March).
- 1930-31 —Worked as member of the Orissa Boundary Commission.
- 1933 —Toured extensively in Europe. Was examined at length by the joint Parliamentary Committee on Indian Reforms on the basis of a comprehensive memorandum submitted by him on the White Paper.
- 1934 —Presided at the All-India Music Conference at Allahabad.
- 1935 —Delivered the Convocation Address at the Lucknow University.
- 1936 —Appointed first non-official Vice-Chancellor of Patna University in August and held that office for four successive terms, extending over nearly nine years. Presided at the third session of the Hindustani demy at Allahabad.
- 1937 —Elected member of the Bihar Legislative Assembly from Patna University Constituency. Was conferred with the degree of Doctor of Letters (*honoris causa*) by the Allahabad University. Delivered the Convocation Address at the Nagpur University.

- 1939 —Worked as Chairman of the banaras State Reforms Commission.
- 1944 —Delivered the Convocation Address at the Utkal University.
- 1946 —Re-elected to the Bihar Legislative Assembly from the Patna University constituency. Elected as one of the representatives of the Bihar Legislative Assembly to the Constituent Assembly. Presided over the opening session of the Constituent Assembly.
- 1947 —Received degree of Doctor of Letters (*honoris causa*) from the Patna University.
- 1948 —Was conferred with the degree of Doctor of Letters (*honoris causa*) by the Banaras Hindu University.
- 1950 —Put his signature to the Indian Constitutional document on Feb. 14 at Patna, where, by a special arrangement, the document was brought from Delhi for his signature.
- Passed away on March 6, 1950.

Appendix II

OPINIONS OF EMINENT MEN

Dr. S. Radhakrishnan—"There are few leaders today whose interests are so varied and whose studies are so up-to-date. He has the liberality of outlook which few liberals possess. The library, which he has endowed, furnishes ample evidence of his fine taste and discrimination."

Sarojini Naidu—"Sachchidananda Sinha is a man of wide interests and versatile talents, and his have been notable achievements in many fields : in law and letters, journalism, education and public activities of various kinds. But not less admirable and valuable to our generation than his intellectual attainments are his unique social qualities. I know few men with his happy gift of attracting the cordial and enduring regard of the most diverse types of men and women. His ironic wit and humour have been the delight of his large circle of associates and admirers. He is a man of deep affection and generous loyalties and has rendered to his country and countrymen signal services which have earned well-merited gratitude."

Sir C. P. Ramaswami Aiyer—"As a publicman, journalist, statesman and those who are acquainted with him cannot but realised how his heart beats in sympathy with all human needs and sufferings".

Sir Mirza Ismail—"Dr. Sinha's varied public service as a journalist, a legislator, a parliamentarian, an administrator and as an educationist is one of which any Indian may well be proud."

Sir Tej Bahadur Sapru—"Dr. Sinha has thought very deeply over social, intellectual, educational and political problems and it

* Extracts from the Messages published in "Sachchidananda Sinha Commemoration Volume (47).

is always a treat and a pleasure to discuss such issues with him. Of him it may be truly said that he wears all the learning that he possess lightly like a flower. He has genius for friendship and hospitality."

Dr. Rejendra Prasad—"Dr. Sinha was not an individual but an institution in the social and public life of Bihar for well over half a century. He was the representative and the mirror of his age that is fast passing away, with all its catholicity, broad mindedness, courtesy, singleness of purpose, devotion to duty, solid scholarship combined with public work and much else that is of great value in life."

(Extract from an article written by Dr. Rejendra Prasad in march 1950 after the death of Dr. S. Sinha).

Dr. M. S. Aney—"Dr. Sinha had in him both the virtues of the aristocrat and those of the democrat. That is why he was equally liked by both the old school of public men and the new school of public workers. In him there was a happy reconciliation of the modes of thoughts and of the manners of life of both these orders. And therefore he could be pleasant to the prince and the peasant alike. It requires deep insight into human nature and also realisation of the innate unity of man in spite of apparent differences to the outward eye."

(Extract from an article written after the death of Sinha in 1950).

Dr. M. R. Jayakar—"Dr. Sinha's independence, dignity, urbanity and courtesy appeared admirable in those days when many Indian leaders verged on one extreme or another. He was trusted by all who knew him. The feature which struck me most was that the public revered him, although they knew that he was a merciless critic of popular foibles and practices."

Sir Francis mudie—"Dr. Sinha's record of public service as a lawyer, writer, politician administrator and finally as educationist, over a period of fifty years, must be almost unique. He has touched nothing that he has not adorned."

(From the speech delivered by Sir Francis Mudie, Governor of Bihar, on the occasion of unveiling the portrait of Dr. Sinha in the Patna University Senate hall in 1944).

N. C. Kelkar—"I have known Dr. Sinha as a very sane, levelheaded politician, who possesses ardent public spirit and patriotism, and who has been a very forceful, though reasonable, critic of Government....—And he was one of the few men to my knowledge who escaped bitter public criticism in the conduct of public affairs which were entrusted to him. He loves independence but does not parade it like a glorified free-lance. His detachment arises out of his devotion; and his friendliness is due to his wide sympathies."

Sir. P. S. Sivaswamy Aiyer—He has served the country in various capacities and has done so with conspicuous success in all of them. By his high character and attainments, his capacity for friendship and the generosity of his disposition, of which the magnificent gift of a public library and a town hall to the capital of Bihar is only one of the many instances, he has acquired a high place in the esteem and affection of his fellowmen.

Kalinath Ray—Whether as a public man or as a writer on current topics, the unfailing characteristics of Dr. Sinha's utterances indeed have been their refreshing candour and outspokenness on one side and their complete freedom from malice and bitterness on the other. He sees only too clearly that sanity, moderation and restraint are qualities in a speech or article which are far more telling in their ultimate effect and of far more enduring value than the use of words that by their very vehemence are calculated to alienate rather than persuade those to whom they are addressed.

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1. *A Selection of Speeches and Writings of Dr. Sachchidananda Sinha*, Second edition, published by messrs. Thacker Spink & Co., Calcutta;

2. *Sachchidananda Sinha Commemoration Volume*, 1947, edited by P. N. Gour, M.A., B.L., and published, on behalf of the Commemoration Volume Committee, by the United Press, Patna;

3. *Reminiscences of A Long Life* by Dr. Sachchidananda Sinha (which could not be completed during his lifetime, but some chapters of which were published in the *Hindustan Review* during 1946-47);

4. *Some Eminent Contemporaries of Bihar* By Dr. Sachchidananda Sinha, published by the Himalaya Press, Patna;

5. *The Transfer of Power* by V. P. Menon, published by Messrs Orient Longman, Calcutta, Bombay and Madras;

6. *The History of the Congress* by Dr. Pattabhi Sitaramayya, 1935, published by the Working Committee of the Indian National Congress;

7. *Indian Politics Since the Mutiny* by C. Y. Chintamani, published by Messrs Allen and Unwin, London;

8. *Indian Constitution At Work* by C. Y. Chintamani and M. R. Masani, 1940, published by Messrs Allied Publishers, Bombay and Calcutta; and

9. *How India Wrought for Freedom* by Annie Besant, published by the Theosophical Publishing House, Adyar, Madras.

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